

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

Notification

LD/Defend/Act/71

The Defence of India Act, 1971 (No. 42 of 1971) which was recently passed by the Parliament and assented to by the President of India is hereby published for the general information of public.

M. S. Borkar, Under Secretary.

Panaji, 16th December, 1971.

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th December, 1971/
/Agrahayana 13, 1893 (Saka)

The following Act of Parliament received the assent of the President on the 4th December, 1971, and is hereby published for general information:—

The Defence of India Act, 1971

No. 42 of 1971

[4th December, 1971]

An Act to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith.

Whereas the President has declared by Proclamation under clause (1) of article 352 of the Constitution, that a grave emergency exists whereby the security of India is threatened by external aggression;

And whereas it is necessary to provide for special measures to ensure the public safety and interest, the defence of India and civil defence, and for the trial of certain offences and for matters connected therewith;

Be it, therefore, enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent, application, duration and savings. — (1) This Act may be called the Defence of India Act, 1971.

(2) It extends to the whole of India and it applies also —

(a) to citizens of India outside India;

(b) to persons in the service of the Government, wherever they may be;

(c) in respect of the regulation and discipline of the naval, military and air forces or any other armed forces of the Union, to members of, and persons attached to, employed with, or following, those forces, wherever they may be;

(d) to, and to persons on, ships and aircraft registered in India, wherever they may be.

(3) It shall come into force at once and shall remain in force during the period of operation of the Proclamation of Emergency and for a period of six months thereafter, but its expiry under the operation of this sub-section shall not affect —

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under this Act or any contravention of any rule made under this Act or of any order made under any such rule, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "civil defence" has the same meaning as in clause (a) of section 2 of the Civil Defence Act, 1968; 27 of 1968.

(b) "enemy" means —

(i) any person or country committing external aggression against India;

(ii) any person belonging to a country committing such aggression;

(iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;

(iv) any person belonging to such other country;

(c) "enemy territory" means —

(i) any area which is under the sovereignty of a country referred to in sub-clause (i), or a country referred to in sub-clause (iii), of clause (b) of this section;

(ii) any area which the Central Government may, by notification in the Official Gazette, specify to be enemy territory for the purposes of this Act or any rule made thereunder;

(d) "military operations" means the operations of the Armed Forces of the Union;

(e) "occupied territory" means any territory of India which is for the time being in the occupation of a country referred to in sub-clause (i), or a country referred to in sub-clause (iii), of clause (b) of this section;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Proclamation of Emergency" means the Proclamation issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971;

(h) "State Government", —

(i) in relation to the autonomous State of Meghalaya means, —

(a) as respects any matter with respect to which the Legislature of Meghalaya has power to make laws, the Government of Meghalaya; and

(b) as respects any other matter, the Government of Assam;

(ii) in relation to a Union territory, means the administrator thereof appointed by the President under article 239 of the Constitution;

(iii) in relation to the North-East Frontier Agency, as defined in the North-East Frontier Areas (Administration) Regulation, 1954, means the Governor of Assam acting as the agent of the President. 1 of 1954

CHAPTER II

Emergency Powers

3. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make such rules as appear to it necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations,

or for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for, and may empower any authority to make orders providing for, all or any of the following matters, namely: —

(1) ensuring the safety and welfare of the Armed Forces of the Union, ships and aircraft, and preventing the prosecution of any work likely to prejudice the operations of the Armed Forces of the Union;

(2) prohibiting anything likely to prejudice the training, discipline or health of the Armed Forces of the Union;

(3) preventing any attempt to tamper with the loyalty of persons in, or to dissuade (otherwise than with advice given in good faith to the person dissuaded for his benefit or that of any member of his family or any of his dependents) persons from entering, the service of the Government;

(4) preventing or prohibiting anything likely to assist the enemy or to prejudice the successful conduct of military operations or civil defence including —

(a) communications with the enemy or agents of the enemy;

(b) acquisition, possession without lawful authority or excuse and publication of information likely to assist the enemy;

(c) contribution to, participation or assistance in, the floating of loans raised by or on behalf of the enemy;

(d) advance of money to, or contracts or commercial dealings with the enemy, enemy subjects or persons residing, carrying on business, or being, in enemy territory or occupied territory; and

(e) acts, publications or communications prejudicial to civil defence or military operations;

(5) preventing the spreading without lawful authority or excuse of reports or the prosecution of any purpose likely to cause disaffection or alarm, or to prejudice India's relations with foreign powers or to prejudice maintenance of peaceful conditions in any area or part of India, or to promote feelings of ill-will, enmity or hatred between different classes of the people of India;

(6) requiring the publication of news and information;

(7) (a) prohibiting the printing or publishing of any newspaper, news-sheet, book or other document containing matters prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(b) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a);

(c) forfeiture of such security and the circumstances in which and the authority by whom such forfeiture may be ordered;

(d) closing down any press or any premises used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a) in spite of the forfeiture of such security;

(8) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;

(9) requiring any person or class of persons to comply with any scheme of defence;

(10) ensuring the safety of —

(a) ports, dockyards, lighthouses, light-ships and aerodromes;

(b) railways, tramways, roads, bridges, canals and all other means of transport by land or water;

(c) telegraphs, post offices, signalling apparatus and all other means of communication;

(d) sources and systems of water-supply, works for the supply of water, gas or electricity, and all other works for public purposes;

(e) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939, and rolling stocks 4 of 1939 of railways and tramways;

(f) warehouses and all other places used or intended to be used for storage purposes;

(g) mines, oil-fields, factories or industrial or commercial undertakings generally, or any mine, oil-field, factory or industrial or commercial undertaking in particular;

(h) laboratories and institutions where scientific or technological research or training is conducted or imparted;

(i) all works and structures being part of, or connected with, anything earlier mentioned in this clause; and

(j) any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organisation, the protection of which is considered necessary or expedient for securing the defence of India and civil defence, the public safety, the public order, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community;

(11) the demolition, destruction or rendering useless in case of necessity of any building or other premises or any other property;

(12) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;

(13) the control of persons entering, travelling in, or departing from, India;

(14) restricting and regulating the charter of foreign vessels and aircraft;

(15) regulating the structure and equipment of vessels for the purpose of ensuring the safety thereof and of persons therein;

(16) regulating work in dockyards, shipyards and aerodromes in respect of the construction and repairs of vessels and aircraft;

(17) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving and requiring to be adapted, for the use of the Government, all or any accommodation in vessels, aircraft, railways, tramways or road vehicles for the carriage of persons, animals or goods;

(18) the impressment of vessels, aircraft, vehicles and animals for transport;

(19) prohibiting or regulating the use of postal, telegraphic or telephonic services including the taking possession of such services, and the delaying, seizing, intercepting or interrupting of postal articles or telegraphic or telephonic messages;

(20) regulating the delivery otherwise than by postal or telegraphic service of postal articles and telegrams;

(21) the control of trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to articles or things of any description whatsoever which may be used in connection with the conduct of military operations or civil defence or for maintaining supplies and services essential to the life of the community;

(22) the control of generation, supply, distribution, use or consumption of electrical energy;

(23) the taking over by the Central Government or the State Government, for a limited period, of the management of any property (including any undertaking) relating to supplies and services essential to the life of the community;

(24) the control of agriculture (including the cultivation of agricultural land and crops to be raised therein) for the purpose of increasing the production and supply of foodgrains and other essential agricultural products;

(25) the provision, storage and maintenance of commodities and things required for the conduct of military operations or for the defence of India and civil defence;

(26) the requisition of services of persons for maintaining supplies and services essential to the life of the community;

(27) the provision, construction, maintenance or alteration of buildings, premises or other structures or excavations required for the conduct of military operations or the defence of India and civil defence;

(28) prohibiting, restricting or otherwise regulating the bringing into, or taking out of, India of goods or articles of any description (including coin, bullion, bank notes, currency notes, securities and foreign exchange), and bringing into any part or place in India of any such goods or articles as aforesaid intended to be taken out of India without being removed from the ship, aircraft or other conveyance in which they are being carried and applying

the provisions of the Customs Act, 1962, and in particular section 11 52 of 1962. thereof to such prohibitions, restrictions and regulations;

(29) controlling the possession, use or disposal of, or dealing in, coin, bullion, bank notes, currency notes, securities or foreign exchange;

(30) the control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water-supply;

(31) the requisitioning and acquisition of any movable property; and the principles on which and the manner in which compensation shall be determined and given in respect of such requisitioning or acquisition;

(32) the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(33) the prevention of hoarding, profiteering, blackmarketing, or adulteration of, or any other unfair practices in relation to, any goods procured by or supplied to the Government or notified by or under the rules as essential to the life of the community;

(34) prohibiting or regulating the possession, use or disposal of —

(a) explosives, inflammable substances corrosive and other dangerous substances or articles, arms and ammunitions of war;

(b) vessels;

(c) wireless telegraphic apparatus;

(d) aircraft; and

(e) photographic and signalling apparatus and any means of recording information;

(35) prohibiting or regulating the bringing into, or taking out of India and the possession, use or transmission of ciphers and other secret means of communicating information;

(36) prohibiting or regulating the publication of inventions and designs;

(37) prohibiting or regulating the publication of results of research work having a bearing on efforts relating to defence of India or military operations;

(38) preventing the disclosure of official secrets;

(39) prohibiting or regulating meetings, assemblies, fairs and processions;

(40) preventing or controlling any use of uniforms, whether official or otherwise, flags, official decorations like medals, badges and other insignia and anything similar thereto, where such use is calculated to deceive or to prejudice the public safety, the maintenance of public order, the defence of India and civil defence;

(41) ensuring the accuracy of any report or declaration legally required of any person;

(42) preventing the unauthorised change of names.

(43) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, an official person, official document or official property;

(44) the accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;

(45) the billeting of evacuated persons or persons authorised to exercise functions under this Act;

(46) the entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, to the defence of India and civil defence or to the efficient conduct of military operations, and for the seizure and disposal of anything found there and reasonably suspected of being used for such purpose;

(47) the preparation of any scheme of defence service or any other service connected with the defence of India and requiring any person or class of persons to comply with such scheme;

(48) the eviction of unauthorised occupants from such public premises [as defined in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971] as are, in the opinion of the Central Government, required for the purposes connected with the defence of India and civil defence, the public safety or interest, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community. 40 of 1971.

(3) The rules made under sub-section (1) may further —

(i) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder;

(ii) provide that any contravention of, or any attempt to contravene, or any abetment of, or any attempt to abet, the contravention of any of the provisions of the rules or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both;

(iii) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in clause (ii) has been committed and for the adjudication of such forfeiture whether by a court or by any other authority;

(iv) confer powers and impose duties —

(a) upon the Central Government or officers and authorities of the Central Government as respects any matter, notwithstanding that the matter is one in respect of which the State Legislature has power to make laws; and

(b) upon any State Government or officers and authorities of any State Government as

respects any matter, notwithstanding that the matter is one in respect of which the State Legislature has no power to make laws;

(v) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or any order made thereunder;

(vi) provide for preventing obstruction and deception of, and disobedience to, any person acting, and interference with any notice issued, in pursuance of the rules or any order made thereunder;

(vii) prohibit attempts by any person to screen from punishment any one, other than the husband or wife of such person, contravening any of the rules or any order made thereunder;

(viii) empower or direct any authority to take such action as may be specified in the rules or as may seem necessary to such authority for the purpose of ensuring the public safety or interest or the defence of India and civil defence;

(ix) provide for charging fees in respect of the grant or issue of a licence, permit, certificate or other document for the purposes of the rules.

4. Special powers to control civilian personnel employed in connection with the Armed Forces of the Union. — The Central Government may, by notification in the Official Gazette, direct by general or special order that any persons who not being members of the Armed Forces of the Union are attached to, or employed with, or following, those Forces, shall be subject to naval, military or air force law, and thereupon such persons shall be subject to discipline and liable to punishment for offences under the Navy Act, 1957, the Army Act, 1950, and the Air Force Act, 1950, as the case may be, as if they were included in such class of persons subject to any of those Acts as may be specified in the notification or in the absence thereof, by an officer empowered by the Central Government in this behalf.

62 of 1957.

46 of 1950.

45 of 1950.

5. Enhanced penalties. — (1) If any person contravenes, with intent to wage war against India or to assist any country committing external aggression against India, any provision of the rules made under section 3 or any order issued under any such rule, he shall be punishable with death or imprisonment for life, or imprisonment for a term which may extend to ten years and shall also be liable to fine.

(2) If any person, —

(a) contravenes any such provision of, or any such rule or order made under, the Aircraft Act, 1934, as may be notified in this behalf by the Central Government, or

22 of 1934

(b) in any area notified in this behalf by a State Government, contravenes any such provision of, or any such rule made under, the Arms Act, 1959, the Indian Explosives Act, 1884, the Explosive Substances Act, 1908, or the Inflammable Substances Act, 1952, as

54 of 1959.

4 of 1884.

6 of 1908.

20 of 1952.

may be notified in this behalf by the State Government,

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or, if his intention is to assist any country committing external aggression against India, or, to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall, in either case, also be liable to fine.

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of any provision of any law, rule or order shall be deemed to have contravened that provision.

6. Temporary amendments to Acts. — During the continuance in force of this Act, —

19 of 1923.

(1) the Official Secrets Act, 1923, shall have effect as if, —

(a) in sub-section (1) of section 5, after the words "in such a place," the words and figures "or which relates to or is used in, a protected area as defined in the rules made under the Defence of India Act, 1971, or relates to anything in such area," had been inserted; and after the words "an enemy", the words and figures "as defined in the Defence of India Act, 1971," had been inserted;

(b) for sub-section (4) of section 5, the following sub-section had been substituted, namely: —

"(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or if such offence is committed with intent to assist any country committing external aggression against India or to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall, in either case, also be liable to fine."

(2) the Aircraft Act, 1934, shall have effect as if —

(a) at the end of clause (r) of sub-section (2) of section 5 the following words had been inserted, namely: —

"including the taking of steps necessary to secure compliance with, or to prevent contravention of, the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention";

(b) in clause (b) of sub-section (1) of section 8, for the words, brackets, letters and figures "clause (h) or clause (i) of sub-section (2) of section 5", the words, brackets, letters and figures "clause (d), (e), (h), (i), (k) or (l) of sub-section (2) of section 5, or the commission of an offence punishable under section 11" had been substituted;

(c) in section 11, after the words "in the air", the words "or in such a manner as to interfere with any of the Armed Forces of the Union or any ships or aircraft" had been inserted;

(d) in section 13, for the words, brackets, letter and figures "clause (i) of sub-section (2) of section 5", the words, brackets, letters and figures "clause (c), (d), (e), (h), (i), (j) or (k) of sub-section (2) of section 5 or punishable under section 11" had been substituted; and

(e) section 14 had been omitted;

(3) the Payment of Wages Act, 1936, 4 of 1936 shall have effect as if after clause (i) of sub-section (2) of section 7, the following clause had been inserted, namely:—

"(ii) deductions made with the written authorisation of —

(i) the employed person; or

(ii) the president or secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed,

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government;"

(4) the Motor Vehicles Act, 1939 (in 4 of 1939. this clause referred to as the "said Act") shall have effect subject to the following provisions, namely:—

(a) the State Government may, by notification in the Official Gazette, authorise, subject to such conditions, if any, as it may think fit to impose, any person —

(i) also to perform such functions of the State Government under Chapter IV (in this clause referred to as the "said Chapter") of the said Act, other than the making of rules as may be specified in the notification; and

(ii) to perform to the exclusion of the State Transport Authority or Regional Transport Authority, as the case may be, such functions of the State Transport Authority or any Regional Transport Authority under the said Chapter as may be specified in the notification,

and the expression "proper authority" in this clause shall, in relation to the performance of any such function as aforesaid, be construed in accordance with the provisions of such notification, if any, relating to that function;

(b) notwithstanding anything to the contrary in section 58 or section 62 of the said Act, the proper authority may grant a permit or a temporary permit under the said Chapter to be effective for any specified period or for the period of operation of this Act, whichever is less;

(c) the State Government may, by general or special order, in writing, provide that the proper authority, —

(i) in deciding to grant or refuse to grant a permit under the said Chapter, shall not be bound to take into consideration representations made by any persons other than the applicant for the permit or to follow the procedure laid down in section 57 of the said Act, and may take into consideration an application for a stage carriage permit or a public carrier's permit which has not complied with the provisions of sub-section (2) of that section;

(ii) in fixing the maximum and minimum fares or freights for stage carriages and public carriers, shall not be bound to give the representatives of the interests affected an opportunity of being heard or to follow the procedure laid down in section 43 of the said Act, or where such action is taken for the purpose of preventing the charge of excess fares or freights, to have regard to any of the considerations set forth in clauses (a) to (d) of sub-section (1) of that section;

(d) without prejudice to the provisions of section 60 of the said Act, the proper authority may, if in its opinion the public interest so requires, cancel, or modify the conditions of, or suspend for such period as it thinks fit, any permit or countersignature under the said Chapter which is valid in its jurisdiction;

(e) the Central Government or the State Government may, by general or special order in writing, exempt from all or any of the provisions of the said Chapter any transport vehicle used or required for use in connection with any work or purpose declared by the Central Government or, as the case may be, the State Government in the order to be a work or purpose connected with the defence of India, the conduct of military operations or civil defence;

(f) if the State Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicles specified in the order as if in the said sub-section, the word "not being in any case more than two years or less than six months" and the proviso and the *Explanation* had been omitted.

Explanation.— In this clause "controlled motor vehicle" means any motor vehicle declared by the Government to be a controlled motor vehicle by order made in this behalf;

(5) the Civil Defence Act, 1968, shall 27 of 1968 have effect as if, —

(a) for sub-section (3) of section 3, the following sub-section had been substituted, namely:—

"(3) Any rule made under sub-section (1) may provide that a contravention thereof or any order made or direction given thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

(b) in section 11, sub-section (2) had been omitted;

(c) after section 16, the following sections had been inserted, namely:—

"16A. **Power of the Central Government to delegate.**— The Central Government may, by order, direct that any power or duty, which by this Act or any rule made thereunder is conferred or imposed upon the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer or authority subordinate to the Central Government.

16B. Effect of order made by the Central Government, etc.— Any order made by the Central Government or the officer or authority authorised by it under section 16A in relation to a matter to which this Act or any rule made thereunder relates shall have effect, notwithstanding anything contained in any order made by the State Government or any other authority with regard to such matter.”;

(d) in section 19, after the words “authorised by”, the words “the Central Government,” had been inserted;

(6) the Maintenance of Internal Security Act, 1971, shall have effect 26 of 1971 as if, —

(a) in sub-section (2) of section 1, the words “except the State of Jammu and Kashmir” had been omitted and the following proviso had been inserted at the end, namely: —

“Provided that every person in respect of whom an order of detention made under the Jammu and Kashmir Preventive Detention Act, 1964, is in force immediately before the commencement of the Defence of India Act, 1971, shall continue to be governed by the provisions of that Act in respect of such detention as if this Act had not been extended to the State of Jammu and Kashmir.”;

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Act XIII
of 1964

(b) in section 2, after clause (d), the following clause had been inserted, namely: —

“(e) any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”;

(c) in sub-section (1) of section 3, for the words, brackets, figures and letter “may, if satisfied as provided in sub-clauses (ii) and (iii) of clause (a) of sub-section (1),” the words, brackets and figure “may also, if satisfied as provided, in sub-section (1),” had been substituted;

(d) in section 13, after the words “from the date of detention”, the words and figures “or until the expiry of the Defence of India Act, 1971, whichever is later” had been inserted;

(e) after section 17, the following section had been inserted, namely: —

17A. Duration of detention in cases of detention on certain grounds.— (1) Notwithstanding anything contained in the foregoing provisions of this Act, during the period of operation of the Proclamation of Emergency issued on the 3rd day of December, 1971, any person (including a foreigner) in respect of whom an order of detention has been made under this Act, may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding two years from the date of his detention in any of the following classes of

cases or under any of the following circumstances, namely: —

(a) where such person had been detained with a view to preventing him from acting in any manner prejudicial to the defence of India, relations of India with foreign powers or the security of India; or

(b) where such person had been detained with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order.

(2) In the case of any person to whom sub-section (1) applies, sections 10 to 13 shall have effect subject to the following modifications, namely: —

(a) in section 10, for the words “shall, within thirty days”, the words “may, at any time prior to but in no case later than three months before the expiration of two years” shall be substituted;

(b) in section 11, —

(i) in sub-section (1), for the words “from the date of detention”, the words “from the date on which reference is made to it” shall be substituted;

(ii) in sub-section (2), for the words “the detention of the person concerned”, the words “the continued detention of the person concerned” shall be substituted;

(c) in section 12, for the words “for the detention”, in both the places where they occur, the words “for the continued detention” shall be substituted;

(d) in section 13, for the words “twelve months”, the words “three years” shall be substituted.’

CHAPTER III

Special Tribunals

7. Constitution of Special Tribunals.— (1) The State Government may, for the whole or any part of the State, constitute one or more Special Tribunals which, or each of which, shall consist of three members appointed by that Government.

(2) No person shall be appointed as a member of a Special Tribunal unless he —

(a) is qualified under clause (2) of article 217 of the Constitution for appointment as a Judge of a High Court; or

(b) has for a total period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 5 of 1898 (hereafter in this Chapter referred to as the Code) of any one or more of the following, namely: —

(i) Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate,

(ii) District Magistrate, Additional District Magistrate.

(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2), and where only one

member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b).

8. Jurisdiction of Special Tribunals. — During the period during which the Proclamation of Emergency is in operation, the State Government may, by general or special order, direct that a Special Tribunal shall try any offence —

(a) under any rule made under section 3 or

(b) punishable with death, or imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of this Act or under sub-section (4) of section 5 of the Official Secrets Act, 1923, as amended by section 6 of this Act, 19 of 1923

triable by any court having jurisdiction within the local limits of the jurisdiction of the Special Tribunal and may, in any such order, direct the transfer to the Special Tribunal of any particular case from any other Special Tribunal or any other criminal court not being a High Court.

9. Procedure of Special Tribunals. — (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial.

(2) Save in cases of trials of offences punishable with death or imprisonment for life or imprisonment for a term which may extend to five years or more, it shall not be necessary in any trial for a Special Tribunal to take down the evidence at length in writing, but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes, to be taken down, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record.

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and to re-hear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) After an accused person has once appeared before it, a Special Tribunal may try him in his absence if, in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice, or if the behaviour of the accused in court has been such as, in the opinion of the Special Tribunal, to impede the course of justice.

(6) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

(7) The State Government may, by notification in the Official Gazette, make rules providing for —

(i) the times and places at which Special Tribunals may sit; and

(ii) the procedure to be adopted in the event of any member of a Special Tribunal being prevented from attending throughout the trial of any accused person.

(8) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Act or by rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

10. Exclusion of public from proceedings of Special Tribunals. — In addition, and without prejudice, to any powers which a Special Tribunal may possess by virtue of any law for the time being in force to order the exclusion of the public from any proceedings, if at any stage in the course of a trial of any person before a Special Tribunal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of the sentence shall in any case take place in public.

11. Powers of Special Tribunals. — A Special Tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

12. Sentences of Special Tribunals. — (1) A Special Tribunal may pass any sentence authorised by law.

(2) A person sentenced by a Special Tribunal —

(a) to death or imprisonment for life, or

(b) to imprisonment for a term of five years or more,

under this Act or the rules made thereunder or under sub-section (4) of section 5 of the Official Secrets Act, 1923, 19 of 1923, as amended by section 6 of this Act,

shall have a right of appeal to the High Court within whose jurisdiction the sentence has been passed, but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

(3) The powers conferred upon the appropriate Government by Chapter XXIX of the Code shall apply in respect of a person sentenced by a Special Tribunal.

CHAPTER IV

Employment of technical personnel in the national service

13. Definitions. — In this Chapter, unless the context otherwise requires, —

(a) "employment in the national service" means employment in a notified establishment in pursuance of an order passed under section 17;

(b) "employer" means any person who employs technical personnel to do any work in an establish-

ment and includes any person entrusted with the supervision and control of technical personnel in such an establishment;

(c) "establishment" means —

(i) any office, or

(ii) any place where any industry, trade, business or occupation is carried on; and includes any technical institution or training centre established, selected or approved by the Central Government;

(d) "National Service Tribunal" means a Tribunal constituted under section 15;

(e) "notified establishment" means any Government establishment, any establishment belonging to a corporation owned, controlled or managed by the Government and any establishment declared by notification under sub-section (1) of section 16 to be engaged in work of national importance;

(f) "notified occupation" means any occupation which the Central Government may, by rules made under this Chapter, specify as a notified occupation for the purposes of this Chapter;

(g) "technical personnel" means all persons who possess knowledge of or skill in one or more of the notified occupations, whether or not they are employed in any establishment, and includes such persons or class of persons undergoing training in any of those occupations in any establishment as may be declared by the Central Government by notification in the Official Gazette to be technical personnel for the purposes of this Chapter.

14. Liability for employment in national service. — All technical personnel, being citizens of India and not being members of the Armed Forces of the Union or members of any Reserve of any such Force who are liable, under the terms of their service in such Reserve, to be called up for service at any time and not only on partial or general mobilisation, shall be liable under this Chapter to undertake employment in the national service.

15. National Service Tribunals. — (1) The Central Government shall constitute, for such areas and in such places as it thinks fit, National Service Tribunals to exercise the functions assigned to such Tribunals by or under this Chapter.

(2) The composition, powers and procedure of National Service Tribunals shall be such as may be prescribed.

16. Notified establishments. — (1) The Central Government may, by notification in the Official Gazette, declare any establishment, which is engaged in work which, in the opinion of the Central Government, is likely to assist the defence of India and civil defence, the efficient conduct of military operations, or the maintenance or increase of supplies and services essential to the life of the community, to be an establishment engaged in work of national importance and thereupon such establishment shall be a notified establishment and while making such declaration, the Central Government may require that establishment to make such provisions as may be specified in the notification in regard to the terms of service and conditions of work of its employees.

(2) Every notified establishment shall be eligible to apply to a National Service Tribunal or to the

Central Government for technical personnel and having so applied, shall take into its employment such technical personnel within such period and on such terms and conditions as may be prescribed.

17. Employment of technical personnel in the national service. — (1) Subject to any rules made in this behalf under this Chapter, the Central Government may require a National Service Tribunal to report what technical personnel, whether employed in an establishment or not, is available within its jurisdiction for employment in the national service and may by order in writing, —

(a) require the employer in any establishment by which such technical personnel is employed to release such personnel as may be specified in the order, for employment in the national service;

(b) direct any technical personnel to undertake such employment in the national service as may be specified in the order;

(c) direct that any technical personnel engaged in any establishment under conditions not amounting to employment in the national service shall, for the purposes of sub-section (8), be deemed to have been taken into employment in the national service; and

(d) require any notified establishment, notwithstanding that it has not made any application under section 16, to take into its employment such technical personnel within such period as may be specified in the order.

(2) Notwithstanding anything in sub-section (1), a National Service Tribunal may —

(a) exercise the powers conferred on the Central Government by clauses (a) and (b) of sub-section (1);

(b) require by order any employer to give training in his establishment to persons for qualifying them as technical personnel;

(c) direct by order technical personnel to present themselves at such place and time as may be specified in the order for interview or inquiry and if so required, for submission to a test of their technical skill.

(3) Any order made by the Central Government under sub-section (1) and by a National Service Tribunal under sub-section (2) shall be complied with within such period or on such date as may be specified in this behalf in the order.

(4) The Central Government or, as the case may be, a National Service Tribunal, may, by order in writing, transfer technical personnel from one form or place of employment in the national service to another; and the employer and the personnel concerned shall comply with such order.

(5) No person included in the definition of technical personnel, who has been directed to undertake employment in the national service or transferred from one form or place of employment to another under the foregoing provisions, shall be discharged from or leave his employment in such service unless the employer or person concerned has previously obtained the permission of the Central Government or, as the case may be, of the National Service Tribunal.

(6) Any person included in the definition of technical personnel who is required to undertake employment in the national service or transferred from one form or place of employment to another under the foregoing provisions of this section, may be required by the Central Government, or, as the case may be, the National Service Tribunal concerned, to submit himself to be examined by such medical authority as may be prescribed.

(7) An appeal shall lie to the Central Government against any order passed by a National Service Tribunal under this section and the decision of the Central Government shall be final.

(8) The terms of service of technical personnel taken into employment in the national service shall be such as may be prescribed:

Provided that any rights which such technical personnel may have under the provident or superannuation fund or other scheme relating to gratuity, bonus or other benefit for the advantage of employees maintained by the establishment from which they are released shall be preserved.

18. Re-instatement. — (1) Every person who was employed in an establishment immediately before his employment in the national service and whose employment in the national service has not been terminated by dismissal for serious misconduct shall, on his release from such employment in the national service, be entitled to be re-instated in his former employment, in accordance with such conditions as may be prescribed:

Provided that in determining such conditions regard shall be had to the additional skill and experience acquired by him in the course of his employment in the national service.

(2) The Central Government may by rules made in this behalf provide for the appointment of Technical Personnel (Re-instatement) Tribunals to deal with such matters in relation to re-instatement of persons released from employment in the national service as may be prescribed.

19. Relinquishment of employment by, dismissal of, and engagement by establishment of, technical personnel. — (1) Subject to any rules made in this behalf, a National Service Tribunal may require any establishment (including a notified establishment) to post before a specified date and to keep posted, on its premises notices intimating that —

(a) no person included within the definition of technical personnel who is employed in the establishment shall at any time after the posting of the notice, leave his employment without the previous permission in writing of the National Service Tribunal;

(b) if the National Service Tribunal refuses such permission, that Tribunal may lay down, subject to the prescribed conditions, the terms of service on which the employer shall continue to retain him in employment;

(c) if any such person leaves his employment without the previous permission in writing of the Tribunal as aforesaid he may be directed by the Tribunal to return to his employment.

(2) After notices referred to in sub-section (1) have been posted on the premises of any establish-

ment (including a notified establishment), no employer in the establishment shall engage, discharge or dismiss any person included in the definition of technical personnel except in accordance with rules made in this behalf.

20. Penalties and procedure. — (1) Whoever contravenes any order of the Central Government or of a National Service Tribunal made under section 17 or wilfully fails to comply with any summons, requirement, direction or order issued or made by the Central Government or by a National Service Tribunal under any other provision of this Chapter shall be punishable with imprisonment for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both.

(2) No court shall take cognizance of any offence punishable under sub-section (1) except with the previous sanction in writing, —

(a) in the case of contravention of any order or any wilful failure to comply with any summons, requirement or direction of the Central Government, of the Central Government;

(b) in the case of contravention of any order or any wilful failure to comply with any summons, requirement or direction of a National Service Tribunal, of the National Service Tribunal.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) shall be cognizable. 5 of 1898.

(4) No court inferior to a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under sub-section (1).

21. Service of summons, notices, orders, etc. — Any summons, notice, requirement, direction or order issued, made or given to any person under this Chapter may be served by being sent by registered post addressed to that person at his last known residence.

22. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe —

(a) the occupations which shall be notified occupations for the purposes of this Chapter;

(b) the composition, powers and procedure of National Service Tribunals;

(c) the technical personnel, which may be taken into the employment of any notified establishment under sub-section (2) of section 16 and the period within which and the terms and conditions on which such personnel shall be so taken;

(d) the medical authority before whom any person may be required to submit himself for examination under sub-section (6) of section 17;

(e) the terms of service of technical personnel taken into employment in the national service;

(f) the conditions in accordance with which persons released from employment in the national service may be re-instated in their former employment;

(g) the appointment of Technical Personnel (Re-instatement) Tribunals and the matters in relation to re-instatement which such Tribunals may be required to deal with;

(h) the provisions relating to engagement, discharge or dismissal of persons by any employer in any establishment on the premises of which notices have been posted under sub-section (1) of section 19;

(i) any other matter which may be prescribed or which is to be provided for by rules.

(3) Any rule made under this Chapter may provide that a contravention of the rule shall be punishable with imprisonment for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both.

CHAPTER V

Requisitioning and acquisition of immovable property

23. Requisitioning of immovable property. — (1) Notwithstanding anything contained in any other law for the time being in force, if in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India, civil defence, public safety, maintenance of public order or efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, that Government may by order in writing requisition any immovable property and may make such further orders as appear to that Government to be necessary or expedient in connection with the requisitioning:

Provided that no property or part thereof which is exclusively used by the public for religious worship shall be requisitioned.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Central Government or the State Government, as the case may be, to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

24. Payment of compensation. — Whenever in pursuance of section 23, the Central Government or the State Government, as the case may be, requisitions any immovable property, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely: —

(i) the rent payable in respect of the property or if no rent is payable, the rent payable in respect of similar property in the locality;

(ii) if in consequence of the requisition of the property the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

(iii) such sum or sums, if any, as may be found necessary to compensate the person interested for damage caused to the property on entry after re-

quisition or during the period of requisition, other than normal wear and tear:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation. — In this section and in section 31, the expression "person interested" in relation to any property includes all persons claiming or entitled to claim an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Act.

25. Power to obtain information and give direction. — The Central Government or the State Government, as the case may be, may, with a view to requisitioning any property under section 23 or determining the compensation payable under section 24, by order —

(a) require any person to furnish to the authority mentioned therein such information in his possession relating to any property as may be specified;

(b) direct that the owner, occupier or the person in possession of the property shall not, without the permission of Government, dispose of it or where it is a building, structurally alter it till the expiry of such period as may be specified in the order.

26. Power of entry into, and inspection of, property, etc. — Any person authorised in this behalf by the Central Government or the State Government, as the case may be, may enter into any immovable property and inspect such property for the purpose of determining whether, and if so in what manner, an order under section 23 should be made in relation to such property or with a view to securing compliance with any order made under that section.

27. Eviction from requisitioned property. — (1) Any person remaining in possession of any requisitioned property in contravention of any order made under section 23 may be summarily evicted from the property by any officer empowered in this behalf by the Central Government or the State Government, as the case may be.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

28. Penalty for contravention of any order regarding requisitioning. — If any person contravenes any

order made under section 23 or section 25, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

29. Release from requisition. — (1) Where any property requisitioned under section 23 is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such inquiry, if any, as it or he may in any case, consider necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given and such possession shall, as far as practicable, be given to the person who appears to the Government or, as the case may be, the person authorised as aforesaid, to be entitled to the possession of the property at the time such order is made.

(2) The delivery of possession of the property to the person specified in the order under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is delivered.

30. Acquisition of requisitioned property. — (1) Any immovable property which has been requisitioned under section 23 may, in the manner hereinafter provided, be acquired in the circumstances and by the Government specified below, namely: —

(a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense of any Government, the property may be acquired by that Government if it decides that the value of, or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

(b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government, be excessive having regard to the value of the property at that time, the property may be acquired by that Government.

(2) When any Government as aforesaid decides to acquire any immovable property, it shall serve on the owner thereof or where the owner is not readily traceable or the ownership is in dispute, by publishing in the Official Gazette, a notice stating that the Government has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the Official Gazette under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest in the Government free from any mortgage, pledge, lien or other similar encumbrances and the period of requisition thereof shall come to an end.

(4) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any court.

(5) For the purposes of this section, "works" includes every description of buildings, structures and improvements of the property.

31. Compensation for acquisition of requisitioned property. — (1) The compensation payable for the acquisition of any property under section 30 shall be the price which the requisitioned property would have fetched in the open market if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition.

(2) Where any person interested is aggrieved by the amount of compensation determined in accordance with sub-section (1), he may make an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator appointed in this behalf by the Central Government or the State Government, and the amount of compensation to be paid shall be such as may be determined by the arbitrator in accordance with sub-section (1).

(3) The provisions of section 25 and section 26 shall apply in relation to the acquisition of any property or the determination of compensation for such acquisition as they apply in relation to the requisitioning of any property or the determination of compensation for such requisitioning.

(4) Where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and his decision thereon shall be final.

32. Power to make rules. — (1) The Central Government or the State Government, as the case may be, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may prescribe —

(a) the procedure to be followed in arbitration proceedings under this Chapter;

(b) the period within which the owner of any property or any other person interested in the amount of compensation may apply to the Government concerned for referring the matter to an arbitrator;

(c) the principles to be followed in apportioning the costs of proceedings before the arbitrator;

(d) the method of payment of compensation;

(e) the manner of service of notices and orders;

(f) any other matter which has to be, or may be, prescribed.

33. Certain properties requisitioned under previous law to be deemed to be requisitioned under this Chapter. — Any property referred to in sub-section (1) of section 25 of the Requisitioning and Acquisition of Immovable Property Act, 1952, which continued to be subject to requisition under the said Act and has not, immediately before the commencement of this Act, been released from requisitioning shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be the property requisitioned under sub-section (1) of section 23 if such property is, in the opinion of the Central Government, now

required for any of the purposes specified in that sub-section:

Provided that—

(a) all determinations, agreements or awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period after such commencement;

(b) anything done or deemed to have been done or any action taken or deemed to have been taken (including any orders, notifications or rules made or issued or deemed to have been made or issued) under the Requisitioning and Acquisition of Immovable Property Act, 1952, shall, in so far as it is not inconsistent with the provisions of this Chapter or any rules or orders made thereunder, be deemed to have been done or taken under this Chapter.

30 of 1952.

CHAPTER VI

Supplemental

34. Power to delegate.—(1) The Central Government may, by order, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed upon the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also—

(a) by any officer or authority subordinate to the Central Government, or

(b) whether or not the power or duty relates to a matter with respect to which a State Legislature has power to make laws, by any State Government or by any officer or authority subordinate to such Government, or

(c) by any other authority.

(2) The State Government may, by order, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed on the State Government or which, being by this Act or any such rule conferred or imposed on the Central Government has been directed under sub-section (1) to be exercised or discharged by the State Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority not being (except in the case of a Union territory) an officer or authority subordinate to the Central Government.

(3) The Government of Assam may, by order, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed on it shall, in relation to the autonomous State of Meghalaya, be exercised or discharged in such circumstances and under such conditions, if any, as may be specified in the direction by the Government of Maghalaya or by any officer or authority subordinate to that Government.

35. Rules to be laid before Houses of Parliament. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is

in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. Jurisdiction of ordinary courts.—(1) Except as may be provided in this Act or in any rule made thereunder or in any order made under any such rule by the Central Government or the State Government or by any officer not below the rank of Collector empowered under sub-section (1) or sub-section (2) of section 34 to make such order, the ordinary criminal and civil courts shall continue to exercise jurisdiction.

(2) For the removal of doubts, it is hereby declared that any provision in any such rule or order as aforesaid to the effect that the decision of any authority not being a court shall be final or conclusive shall be a sufficient excepting provision within the meaning of sub-section (1).

37. Effect of Act and rules, etc., inconsistent with other enactments.—The provisions of this Act or any rule made thereunder or any order made under any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

38. Ordinary avocations of life to be interfered with as little as possible.—Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of India and civil defence.

39. Savings as to orders.—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act a court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

40. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any orders issued under any such rule.

(2) Save as otherwise expressly provided under this Act, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder or any order issued under any such rule.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Notification

LD/Defend/Act/71

The following rules framed by the Central Government under section 3 of the Defence of India Act, 1971 (42 of 1971) are hereby published for general information.

M. S. Borkar, Under Secretary.

Panaji, 16th December, 1971.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

G. S. R. 1842.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1971 (42 of 1971) and all other powers enabling the Central Government in this behalf, the Central Government hereby makes the following rules, namely:—

The Defence of India Rules, 1971

PART I

Preliminary

1. Short title and commencement.—(1) These Rules may be called the Defence of India Rules, 1971.

(2) They shall come into force at once.

2. Definitions.—In these Rules, unless the context otherwise requires,—

(1) “Act” means the Defence of India Act, 1971 (42 of 1971);

(2) “notified” and “notification” mean notified and notification respectively in the Official Gazette;

(3) “prescribed” means prescribed by any order, or direction made or given in pursuance of any of these Rules;

(4) “prisoner” means any person captured in the course of military operations;

(5) “prohibited place” means a prohibited place as defined in clause (8) of section 2 of the Official Secrets Act, 1923 (19 of 1923);

(6) “protected place” means a place declared under rule 8 to be a protected place;

(7) “protected area” means an area declared under rule 9 to be a protected area;

(8) “public servant” includes any public servant as defined in the Indian Penal Code (45 of 1860) and any employee of any Railway administration or of any autonomous organisation engaged in work which is considered by the Central Government to be work of national importance.

3. Interpretation.—(1) The General Clauses Act, 1897 (10 of 1897), shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act.

(2) Any reference in these Rules to the forces, vessels, aircraft, servants, citizens of India or prisoners shall, unless the context otherwise requires, be

deemed to include the forces, vessels, aircraft, servants, citizens or subjects, or prisoners, as the case may be, of any foreign State having friendly relations with India.

(3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(4) Any reference in these Rules to a Central Act, shall, in relation to any area wherein that Central Act is not in force, be construed as including a reference to the corresponding law in force in that area.

4. Previous approval or sanction of Central Government required in certain cases.—Notwithstanding anything contained in these Rules,—

(a) no power conferred or duty imposed upon the State Government by such of the provisions of these Rules as may be specified by the Central Government by notified order shall, with effect from such date as may be specified in the order, be exercised or discharged by any State Government specified in the order or by any officer or authority authorised in that behalf by that State Government, except with the previous approval of the Central Government;

(b) the Central Government may, by notified order, direct that in such area or areas and with effect from such date or dates as may be specified therein, no action in relation to any alleged contravention of such provisions of these Rules (including orders made thereunder) as may be specified in that order shall be taken by the State Government concerned or any officer or authority subordinate to that State Government except with the previous sanction of the Central Government;

(c) the Central Government may, by notified order, issue directions to a State Government that in the case of such provisions of these Rules as may be specified therein, no action taken or thing done under those provisions before such date as may be specified in that order shall be continued except in accordance with such instructions as the Central Government may give to the State Government in this behalf.

5. Saving.—No prohibition, restriction or disability imposed by these Rules, or by any order made or direction given thereunder not being an order or direction of the Central Government, or of an officer specially authorised by the Central Government in this behalf expressly providing the contrary shall apply to anything done by or under the direction of any member of the Armed Forces or any public servant acting in the course of his duty as such member or public servant.

6. Non-compliance with these Rules or orders made thereunder.—If any person to whom any provision of these Rules relates, or to whom any order made in pursuance of these Rules is addressed or relates, or who is in occupation, possession or control of any land, building, vehicle, vessel, aircraft or other thing to which such provision relates, or in respect of which such order is made—

(a) fails without lawful authority or excuse,—

(i) in relation to such provision as relates to himself, or

(ii) in respect of any land, building, vehicle, vessel, aircraft or other thing of which he is in occupation, possession or control,

to comply, or to secure compliance, with such provision or order; or

(b) evades, or attempts to evade, by any means such provision, or order, —

he shall be deemed to have contravened such provision or order, and in these Rules the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

PART II

Access to certain premises and areas

7. Prohibited places. — (1) No person shall, without the permission of the Central Government or the State Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the Central Government or the State Government.

(3) Any police officer or any other person authorised in this behalf by the Central Government or the State Government, may search any person entering, or seeking to enter, or being on or in, or leaving or passing over or seeking to pass over, a prohibited place, and any vehicle, vessel, aircraft or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, aircraft or article:

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Central Government or the State Government.

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

8. Protected places. — If as respects any place or class of places, the Central Government, or the State Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, that Government may by order declare that place, or, as the case may be, every place of that class, to be protective place; and thereupon the provisions of the Official Secrets Act, 1923 (19 of 1923), shall have effect in relation to such place or places as if references therein to a prohibited place and the Central Government were construed as references to a protected place and the Government making the declaration and the provisions of rule 7 shall have effect in relation to such place or places as if references therein to a prohibited

place were construed as references to a protected place.

9. Protected area. — (1) If the Central Government or the State Government considers it necessary or expedient to regulate the entry of persons into any area that Government may, without prejudice to the provisions of any other rule, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of these Rules.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised in this behalf by the Central Government, or the State Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, aircraft or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, aircraft or article:

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in, or passes over, a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of the Armed Forces of the Union on duty in the protected area.

(5) If any person is in a protected area in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

10. Forcing or evading a guard. — Any person who effects or attempts to effect entry into, or passes over, or attempts to pass over, a prohibited place, protected place or protected area, —

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting or of preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.

11. Orders for certain places and areas. — (1) Without prejudice to the provisions of any other rule, the Central Government or the State Government, as respects: —

(a) any prohibited place,

(b) any place or area declared by it to be protected place or protected area, or

(c) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of India and civil defence, the public safety, the mainte-

nance of public order, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community, may make orders for controlling or regulating the admission of persons to, and the conduct of persons, in, and in the vicinity of, such place or area.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may make provision—

(a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of —

(i) any contravention of the provisions of these Rules, or

(ii) any offence against public order or decency;

(b) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;

(c) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity as may be prescribed; and

(d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(3) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these Rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(4) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these Rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area, as the case may be, shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

12. Trespassing on certain premises.—(1) No person shall —

(a) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of the Government, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(b) trespass on, or on premises in the vicinity of, any premises used or appropriated for any of

the purposes of the Government, or for defence against, or protection from, an enemy.

(2) If any person is found trespassing on any premises in contravention of the provisions of sub-rule (1), or is found on any vehicle, vessel or aircraft which he has entered or boarded without lawful authority, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises, vehicle, vessel or aircraft, as the case may be, by any police officer or any other person acting on behalf of Government, or by the person occupying the premises or being in charge of the vehicle, vessel or aircraft, or any person authorised by him.

(3) No person shall, for any purpose prejudicial to the public safety or to the defence of India, be in, or in the vicinity of, any such premises or any such vehicle, vessel or aircraft as are referred to in sub-rule (1); and where, in any proceedings taken against a person by virtue of this sub-rule, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or to the defence of India.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend, in the case of a contravention of sub-rule (3), to seven years and in any other case, to three years, or with fine, or with both.

13. Loitering near certain premises.—(1) No person loitering in the vicinity of any prohibited place or protected place or of any such premises, vehicle, vessel or aircraft as are referred to in sub-rule (1) of rule 12 shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any other person acting on behalf of Government or by the person in occupation of the said premises or being in charge of the said vehicle, vessel or aircraft, or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Power to close roads, etc.—(1) The Central Government or the State Government may, by order prohibit or restrict for such period as may be specified in the order, —

(a) the use of any road, pathway, canal or waterway;

(b) the passage of any person, animal or vehicle over any land.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

PART III

Control of signalling, telegraphy, Postal communications, etc.

15. Prohibition of signalling.—(1) Save as herein-after provided, no person shall make any signal

either visually or otherwise, in such circumstances as show that the signal —

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(b) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or

(c) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of India:

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by or on behalf of the Central Government, or of any signal for the purpose only of saving life, or of regulating or adding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of an enemy.

(2) No person shall make any signal either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of the Armed Forces of the Union or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

16. Control of signalling apparatus. — (1) Subject to the provisions of sub-rule (2) and to any exemptions for which provision may be made by general or special order of the Central Government, no person shall, except with permission granted by the Central Government, use or have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the efficient conduct of military operations and to the defence of India.

(2) Nothing in sub-rule (1) shall apply in relation to —

(a) any wireless telegraphy apparatus as defined in the Indian Wireless Telegraphy Act, 1933 (17 of 1933), or

(b) any apparatus forming part of the equipment of any vessel or aircraft, being an apparatus which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule 15.

(3) In any proceedings arising out of an alleged contravention of any of the provisions of this rule, it shall be a defence for the accused to prove that at the date of the alleged contravention, application had been made by him for the first time for the necessary permission in relation to the apparatus or contrivance in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

17. Control of landmarks, etc. — (1) In any area notified in this behalf by the Central Government,

or the State Government, that Government may, if in its opinion, it is necessary or expedient for the efficient conduct of military operations or the defence of India, —

(a) by general or special order prohibit the use, display or possession of any article which is intended to serve or to be used, or, in the opinion of that Government is capable of serving or of being used, as a landmark or as a means of transmitting or conveying in any way any message or information to the enemy;

(b) by order direct the person having control of any such article as aforesaid to remove it, or to take such other action in relation to it as may be specified in the order;

(c) seize and remove any such article as aforesaid or take such other action in relation to it as may seem expedient to that Government.

(2) If any person contravenes any order made under any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

18. Control of wireless telegraphy. — (1) In this rule, "telegraph" has the same meaning as in the Indian Telegraph Act, 1885 (13 of 1885), and "wireless telegraphy apparatus" has the same meaning as in the Indian Wireless Telegraphy Act, 1933 (17 of 1933).

(2) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885), or the Indian Wireless Telegraphy Act, 1933 (17 of 1933), or in the rules made under either of those Acts, the Central Government may, by general or special order, prohibit or regulate the establishing, maintaining or working of any wireless telegraph or the possession of any wireless telegraphy apparatus.

(3) If any wireless telegraph is established, maintained or worked, or any wireless telegraphy apparatus is possessed, in contravention of an order made under sub-rule (2), the person so establishing, maintaining or working the telegraph or possessing the apparatus, and the occupier of the premises on which the telegraph or apparatus is situated, or where the telegraph or apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be deemed to have contravened the order:

Provided that, in any proceedings which, by virtue of the provisions of this sub-rule, are taken against any person in respect of the establishing, maintaining or working of a wireless telegraph or the possession of wireless telegraphy apparatus by some other person in contravention of an order made under sub-rule (2), it shall be a defence for the accused to prove that the telegraph was so established, maintained or worked or the apparatus was so possessed, without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) Any member of the Armed Forces of the Union or any other person authorised in this behalf by the Central Government may, in relation to any vessel or aircraft, take such steps and use such force as may appear to that member or person to be necessary for securing compliance with any order made under sub-rule (2), or where a contravention of such an order has occurred for enabling proceedings in respect of the contravention to be taken.

(5) If any person has in his possession any wireless telegraphy apparatus in contravention of any of the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), or of the rules made thereunder, he shall be deemed to have contravened the provisions of this rule.

(6) An officer authorised by the Central Government or a State Government in this behalf may seize any wireless telegraphy apparatus which is possessed or used by any person in contravention of this rule or of any order made thereunder or of any of the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), and keep it in safe custody subject to the orders of any Court under this rule or of any order made thereunder or of the Government.

(7) If any person contravenes any of the provisions of this rule or of any order made thereunder, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(8) For the purposes of this rule, a Court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge or is located in any premises or place over which he has effective control.

(9) If in the trial of an offence under this rule the accused is convicted, the Court shall decide whether any wireless telegraph or wireless telegraphy apparatus in respect of which an offence has been committed should be confiscated, and if it so decides, may order confiscation accordingly.

19. Requirement to disseminate specified matters.

— (1) The Central Government or the State Government may by order require the person in possession or having the control of any wireless receiving apparatus in respect of which a commercial broadcast receiver licence is in force to use the same for the dissemination to the public at such time and in such manner as may be specified in the order of such matter as may be so specified.

(2) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

20. Control of telephones and telegraphs. — (1) The Director General of Posts and Telegraphs or any person authorised by him in this behalf, may by order, —

(a) direct, —

(i) that any public telephone call office shall be closed to the public for such period as may be specified;

(ii) that any subscriber's telephone connection to any exchange shall be cut off for such period as may be specified;

(iii) where a direction has been given under sub-clause (ii), that the subscriber shall surrender all telephone apparatus and fittings on the premises to such person as may be specified;

(iv) that any person empowered by him in this behalf by order in writing may listen in to all conversations or any specified conversation over any telephone system;

(b) make provision for suspending or regulating the use otherwise than for Government purposes,

of any telegraph or telephone service in any area specified in the order;

(c) assume the control or direction, or direct any person to assume the control or direction, of any private telephone exchange or any connection with any such exchange.

(2) If any person contravenes any order made under the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

21. Power to detain or paraphrase telegrams. — Notwithstanding anything contained in sub-section (1) of section 5 of the Indian Telegraph Act, 1885 (13 of 1885), any person appointed by the Central Government to be a censor may —

(a) order that any telegraphic message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by, any telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the censor or to any other officer of Government mentioned in the order;

(b) paraphrase the wording of any telegraphic message suspected of conveying a secret meaning and order the transmission of the message as so paraphrased;

(c) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of India or civil defence or to the efficient conduct of military operations;

(d) order the transmission of any telegraphic message by a route different from that prescribed by the sender.

22. Possession and use of means of secret communication. — (1) Subject to the provisions of this rule, no person shall, except with permission granted by the Central Government, send or convey by post or otherwise from any place in India to any destination outside India, or to any destination in India from any place outside India —

(a) any instructions for utilising any means of secretly conveying, receiving or recording information, including any cipher or code; or

(b) any message in cipher or code; or

(c) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or

(d) any document or other article secretly conveying or recording any information.

(2) The provisions of sub-rule (1) shall not apply to —

(a) the sending of instructions for utilising any cipher or code the use of which is approved by notified order of the Central Government; or

(b) the sending, in accordance with conditions imposed by the Central Government, of any telegraphic message in such cipher or code; or

(c) the sending of any document conveying or recording information by means of such cipher or code, being a document which specifies in clear the cipher or code used.

(3) The Central Government may, in respect of any area, by notified order, declare that it is expedient to control the use of means of secret communication therein, and thereupon the provisions of sub-rule (1) shall apply in relation to that area as they apply in relation to a destination or place outside India.

(4) Any person who has in his possession or under his control any such instructions, message, substance, document or other article as is mentioned in sub-rule (1) shall, if required by the Central Government by a written order so to do, deliver up those instructions or that message, substance, document or other article to such authority or person as may be specified in the order.

(5) Nothing in sub-rule (4) shall be taken to prevent the prosecution of any person in respect of a contravention of the provisions of sub-rule (1).

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

23. Control of postal communications. — (1) For the purposes of this rule and of rule 24, the expression "postal article" includes a letter, postcard, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post, and a money order.

(2) The Central Government may, by general or special order, either generally or with reference to any particular place within or without India, prohibit, regulate, restrict or impose conditions upon the receipt or transmission in, or despatch from, India of any postal article or of any class or description of postal articles.

(3) Any order made under sub-rule (2) may, with a view to securing compliance therewith, provide for the interception, detention and examination of the contents of any postal articles by such authorities and in such circumstances as may be specified in the order.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both; and, if the order so provides, any Court trying such contravention may direct that any postal article, in respect of which the Court is satisfied that the order has been contravened, shall be forfeited to the Government.

24. Power to intercept and censor postal articles. — (1) Notwithstanding anything contained in section 26 of the Indian Post Office Act, 1898 (6 of 1898), any person appointed by the Central Government to be a censor, may —

(a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;

(b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the public safety or interest or to the defence of India or civil defence or the efficient conduct of military operations.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

25. Power to prohibit and to search, etc., travellers conveying non-postal correspondence. — (1) In this rule, "photograph" includes any photographic plate, photographic film or other sensitised article which has been exposed in a camera whether such plate, film or other article has been developed or not.

(2) The Central Government may, by order, make provision for securing that subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no article whatsoever recording information and no document, pictorial representation, photograph or gramophone record, shall be sent or conveyed, otherwise than by post, into or from India.

(3) No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under sub-rule (2).

(4) Any prohibition or restriction imposed by an order made under sub-rule (2) on the sending into, or conveying from, India of articles, shall be deemed to have been imposed under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly:

Provided that where in respect of any contravention of this rule the Assistant Collector of Customs is of opinion that the penalties provided by the said Act are inadequate, he may make a complaint to a magistrate having jurisdiction; and the accused person shall, upon conviction, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) Any officer of customs may, for the purpose of carrying into effect the provisions of this rule, take such steps (including the subsection of the article to any process) as may be reasonably necessary for ascertaining whether an article does or does not record any information.

(6) The Central Government or the State Government may by order authorise any person for the purposes of this rule to exercise the powers, and perform the duties, conferred or imposed on a Collector of Customs or any subordinate officer of customs by the Customs Act, 1962 (52 of 1962).

PART IV

Restriction of movement and activities of persons

26. Entering enemy territory. — (1) No person shall, without the permission of the Central Government, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a State committing external aggression against India.

(2) If any person contravenes this rule he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

27. Migration to any enemy territory or occupied territory. — (1) No person who has voluntarily

migrated to an enemy territory or occupied territory, shall enter India, or, as the case may be, any part of India, except with the prior permission of the Central Government or such other authority as the Central Government may, by notification, specify in this behalf.

(2) For the purpose of granting permission under sub-rule (1), the Central Government or the authority specified by the Central Government may take into consideration the circumstances under which such person had migrated to an enemy territory or occupied territory and such other cause as may be shown by such person.

(3) For the purposes of this rule, a person who moves into —

(a) an enemy territory without obtaining a passport under the Passports Act, 1967 (15 of 1967) or without any other lawful authority, or

(b) an occupied territory without lawful authority,

shall be presumed to have voluntarily migrated to an enemy territory or occupied territory, as the case may be.

(4) If any person contravenes this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

28. Entering India. — (1) The Central Government may, by notified order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not, on coming from a place outside India, enter India elsewhere than at such place as may be specified in the order.

(2) If any person enters India in contravention of any order made under sub-rule (1), or of the provisions, of, or of any rule or, order made under, the Passport (Entry into India) Act, 1920 (34 of 1920), he shall, without prejudice to any other proceedings which may be taken against him, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) The master of any vessel or the pilot of any aircraft by means of which any person enters India in contravention of any order made under sub-rule (1) or of the provisions, of, or of any rule or order made under, the Passport (Entry into India) Act, 1920 (34 of 1920), shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

29. Information to be supplied by persons entering India. — (1) The Central Government may, by notified order, require any person of such class as may be specified in the order who has entered India since such date as may be so specified to furnish to such authority and in such manner as may be so specified such particulars regarding himself, his dependent, his past and prospective movements and any travel documents in his possession as may be specified in the order.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with fine which may extend to one hundred rupees.

30. Leaving India. — (1) The Central Government may, by notified order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person for the time being in India or any class of such persons, shall not —

(a) proceed from India to a destination outside India except under the authority of a written permit granted in such form and manner and by such authority or person as may be specified in the order;

(b) for the purpose of proceeding to a destination outside India, leave India elsewhere than at such place as may be specified in the order.

(2) Where any police officer not below the rank of Inspector, or any other public servant authorised in this behalf by the Central Government, has reason to suspect that any person who is about to depart from India is attempting so to depart for purposes prejudicial to the public safety or to the defence of India, he may, notwithstanding the fact that such departure does not contravene any order made under sub-rule (1), prevent the departure of that person.

(3) Any police officer or other public servant who prevents the departure of any person under sub-rule (2) shall forthwith report the fact of such prevention to the Central Government, and the Central Government may, if it thinks fit, by order, prohibit such person at any time subsequently from leaving India so long as the order is in force.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) The master of any vessel or the pilot of any aircraft by means of which any person leaves India in contravention of any order made under this rule shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

31. Regulation of movement of persons within India. — (1) If in the opinion of the Central Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety or the efficient conduct of military operations, that Government may by notified order make provision for the regulation of the movement of persons within the territory of India.

(2) In particular and without prejudice to the generality of the foregoing power, an order made under sub-rule (1) may provide that subject to such exceptions as may be specified in the order, no person shall enter a town, or city or area specified in the order from any place outside that town, city or area.

(3) Any person contravening an order made under sub-rule (1) shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

32. Powers of photographing, etc., of suspected persons. — (1) The Central Government or, as the case may be, the State Government may, by order, direct that any person in respect of whom a detention order has been made by that Government under the Maintenance of Internal Security Act, 1971 (26 of 1971), shall —

(a) allow himself to be photographed;

(b) allow his finger and thumb impressions to be taken;

(c) furnish specimens of his handwriting and signature, and

(d) attend at such time and place before such authority or persons as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

33. Control and winding up of certain organisations. — (1) If the Central Government or the State Government is satisfied, with respect to any organisation, —

(a) (i) that it is subject to foreign influence or control, or

(ii) that the persons in control thereof have, or have had, association with persons concerned in the government of, or sympathies with the system of government of, any State committing any external aggression against India or have been conspiring to assist any such State,

and that, in either case, there is danger of the utilisation of the organisation for purposes prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, the maintenance of supplies and services essential to the life of the community; or

(b) that it indulges, or the members thereof or the persons in control thereof indulge, in activities prejudicial to the security of India or any part of the territory thereof,

that Government may, by notified order, direct that this rule shall apply to that organisation.

(2) If the Central Government or the State Government is satisfied that any organisation is engaged, in succession to any organisation to which this rule applies, in activities substantially similar to those formerly carried on thereby, that Government may by notified order direct that this rule shall apply to that organisation.

(3) No person shall —

(a) manage or assist in managing any organisation to which this rule applies;

(b) promote or assist in promoting a meeting or any members of such an organisation, or attend any such meeting in any capacity;

(c) publish any notice or advertisement relating to any such meeting;

(d) invite persons to support such an organisation,

or otherwise in any way assist the operations of such an organisation.

(4) The provisions of sections 17A to 17E of the Indian Criminal Law (Amendment) Act, 1908 (14 of 1908), shall apply in relation to an organisation to which this rule applies, as they apply in relation to an unlawful association:

Provided that all powers and functions exercisable by the State Government under the said sections as so applied shall be exercisable also by the Central Government.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

34. Persons captured as prisoners. — (1) The Central Government may, by order, make provision —

(a) for regulating access to, and the conduct of persons in, places in India where prisoners as defined in these Rules are detained and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners therein, of any such articles as may be specified in the order;

(b) for regulating the conditions to be observed in connection with the employment and maintenance of prisoners in India while elsewhere than in places for the detention of prisoners;

(c) for prohibiting or regulating communication with, or the supply of articles to, prisoners in India.

(2) The provisions of sub-rule (1) and of sections 128, 129 and 130 of the Indian Penal Code (45 of 1860), shall apply in relation to a person detained or confined by order made under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946), as they apply in relation to a prisoner.

(3) No proceedings shall be taken, by virtue of this rule, against a person in respect of any act done by him when he is himself a prisoner.

(4) If any person contravenes any order made under the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

35. Change of name by citizens of India. — (1) For the purposes of this rule, —

(a) the expression «name» shall be construed as including a surname; and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No citizen of India shall assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the date of Proclamation of Emergency, unless, at least one month before the day on which he first assumes or uses or purports to assume or use that other name, he has given to the State Government a notice specifying —

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his residence,

and has complied with such orders in respect of such notice including orders for giving public intimation of his intention to change his name, as the State Government may give.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(4) Nothing in this rule shall apply to the assumption or use —

(a) by any married woman of her husband's name;

(b) of any name in consequence of the grant of, or succession to, any rank or title;

(c) of any name in such circumstances as may be specified by order of the Central Government or the State Government.

PART V

Prevention of prejudicial acts and control of information

36. Definitions.— In this Part, unless the context otherwise requires, —

(1) "cinematograph film" includes a sound track, talefilm and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of a film;

(2) "confidential information" includes any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated directly or indirectly to convey, any information, whether true or false, with respect to any of the following matters, that is to say —

(a) the proceedings of any meeting of the Council of Ministers of the Union or of any committee thereof, or of any secret meeting of Parliament;

(b) the proceedings of any committee, commission, conference, convention or delegation appointed or convened by, or, at the invitation of, the Central Government or Parliament to deal with matters concerning the conduct of military operations repulsion of aggression or cessation of hostilities;

(c) the contents of any secret or confidential document belonging to or the contents of any document which has in confidence been communicated by, or any confidential information obtained from, Government or any person in the service of Government and relating to any of the aforesaid matters;

(3) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government;

(4) "exhibit" and "exhibition" with their grammatical variations include, in relation to a cinematograph film, the mechanical or electrical reproduction of any sounds in connection with the showing of the film;

(5) "information likely to assist the enemy" means any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated, directly or indirectly, to convey, any information, whether true or false, with respect to any of the following matters, that is to say, —

(a) the number, description, armanent equipment, disposition, movement, sympathies or condition of any of the Armed Forces, vessels or aircraft of the Union;

(b) any operations or projected operations of any of the Armed Forces, vessels or aircraft of the Union;

(c) any measures, works, appliances or arrangements for, or connected with, or intended for

the defence or fortification of any place by or on behalf of the Armed Forces of the Union;

(d) the number, description or location of any prisoners;

(e) any enemy agents, that is to say, persons engaged in or believed to be engaged in assisting the enemy;

(f) the condition of the citizens of India or of any class thereof or the sympathies of such citizens or class as regards matters relating to the conduct of military operations;

(g) the invention, design, manufacture, quantity, supply, description, condition, disposition, movement, storage, repair, testing, trial or use of, or the result of any scientific or technological research relating to any munitions or other thing which can be used in connection with the conduct of military operations;

(h) any measures, works, appliances or arrangements for or connected with, or intended for, the protection of any munitions of war or other thing which can be used in connection with the conduct of military operations;

(i) any arrangements relating to the collection of means of transport or for the protection of —

(i) transport or communications, or

(ii) the supply or distribution of any essential commodity.

(j) any prohibited place, protected place or protected area or any person or thing, in, or relating to, any such place or area or anything used in or done or proposed to be done in, or in relation to, any such place or area;

(k) the passage of any vessel or aircraft near or over any part of India;

(l) any losses or casualties incurred by persons in the services of the Government, or the number or description of any such persons returning to the active service of the Government after casualty, or any injury or damage caused, whether by hostile operations or otherwise, to any vessel or aircraft of the Union or to any prohibited place, protected place or protected area, or to any person or thing in any such place or area, or to any munitions, or any injury or damage caused by hostile operations to any other person or thing whatsoever;

(m) any cipher, code or secret or official codeword or pass-word;

(n) any orders, instructions or regulations regarding, or connected with, any of the aforesaid matters;

(o) any other matter whatsoever information as to which would or might be, directly or indirectly, useful to the enemy;

(6) "prejudicial act" means any act which is intended or is likely —

(a) to prejudice India's relations with any foreign power, or the maintenance of peaceful conditions in any area;

(b) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of

their duties by, members of the Armed Forces of the Union or public servants;

(c) to render any member of the Armed Forces of the Union or any public servant incapable of efficiently performing his duties as such, or to induce any member of such Forces or any public servant to fail in the performance of his duties as such;

(d) to prejudice the recruiting of, or the attendance of persons or service in, any of the Armed Forces of the Union or the Civil Defence Corps constituted under section 4 of the Civil Defence Act, 1968 (27 of 1968) or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;

(e) to bring into hatred or contempt, or to excite disaffection towards the Government established by law in India;

(f) to bring into hatred or contempt, or excite disaffection towards the Armed Forces of the Union or section thereof;

(g) to promote feelings of enmity and hatred between different classes of persons in India;

(h) to cause fear or alarm to the public or to any section of the public;

(i) to impede, delay or restrict the means of transport or locomotion, any work necessary for the efficient conduct of military operations the production, handling or transport of any munitions or the supply or distribution of any essential commodity;

(j) to cause or produce, or to instigate or incite, directly or indirectly, the cessation, or slowing down of work by a body of persons employed in any place of employment in which one hundred persons or more are normally employed, in furtherance of any strike which is prohibited under rule 118 or is illegal under any law for the time being in force;

(k) to render any munitions wholly or partially ineffective or dangerous, or to cause or increase danger to any person using, the production, handling or transport of, any munitions;

(l) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in India or in any part thereof, or to prejudice the success of any financial measures taken or arrangements made by Government with a view to the efficient conduct of military operations;

(m) to encourage or incite any person or class of persons, or the public generally, to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to Government or any local authority or payable under any law or custom having the force of law for any services rendered to the community or any rent of agricultural land or anything recoverable as arrears of, or along with, such rent;

(n) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the defence

of India and civil defence or to the efficient conduct of military operations;

(o) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;

(p) to instigate or incite directly or indirectly the commission or abetment of an offence punishable under the Criminal Law Amendment Act, 1961 (23 of 1961), or of an offence punishable under section 121, section 121A, section 122, section 131, or section 436 of the Indian Penal Code (45 of 1860), or of the offence of robbery or dacoity;

(q) to instigate or incite directly or indirectly the commission or abetment of an offence against, or against any rule made under, the Indian Explosives Act, 1884 (4 of 1884), or the Explosive Substances Act, 1908 (6 of 1908), or the Arms Act, 1959 (54 of 1959);

(r) to instigate or incite directly or indirectly the commission or abetment of an offence against the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957);

(s) otherwise to prejudice the efficient conduct of military operations, the defence of India and civil defence or the public safety or interest;

(7) "prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which, is, or is an incitement to the commission of, a prejudicial act;

(8) "press" means a printing press and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of or in connection with printing or multiplying documents;

(9) "unauthorised cinematograph film" means a cinematograph film which has not been certified under section 5A of the Cinematograph Act, 1952 (37 of 1952), or in respect of which the Central Government has directed that it shall be deemed to be an uncertified film under clause (a) of sub-section (2) of section 6, or the exhibition of which has been suspended by the Central Government under clause (c) of sub-section (2) of section 6, or by the Administrator of a Union territory under sub-section (1) of section 13, of the Cinematograph Act, 1952, or the exhibition of which has been suspended by any State Government under the relevant provisions of any law in force in a State regulating exhibition by means of a cinematograph.

37. Sabotage.— (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

(a) any building, vehicle, machinery, scientific equipment, apparatus or other property used, or intended to be used, for the purposes of Government, any local authority or any corporation owned or controlled by Government;

(b) any railway (as defined in the Indian Railways Act, 189) (9 of 1890), tramway, road, canal, irrigation work, installation on a canal or waterway, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome, or any telegraph, telegraph

line or post (as defined in the Indian Telegraph Act, 1885) (13 of 1885);

(c) any rolling-stock of a railway or tramway, any vessel or aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory or any laboratory or institution where scientific or technological research is conducted;

(e) any prohibited place or protected place.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property as is mentioned in sub-rule (1), in circumstances which afford reason to believe that he intends to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

38. Receiving sabotaged property.—(1) In this rule "sabotaged property" means property the possession of which has been transferred by, or in consequence of, any such act as is referred to in sub-rule (1) of rule 37.

(2) If any person dishonestly receives or retains, or voluntarily assists in concealing or disposing of or making away with, any sabotaged property, knowing, or having reason to believe, the same to be sabotaged property, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

39. Interference with postal and telegraphic communications.—(1) No person shall knowingly—

(a) cause interference with the sending or receiving of communications by post, telegraphy (including wireless telephony) or television; or

(b) intercept any postal, telegraphic or telephonic communication.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

40. Communication with persons engaged in assisting the enemy.—(1) No person shall communicate or associate with any other person if he has reasonable cause to believe that such other person is engaged in assisting the enemy.

(2) In any proceedings taken by virtue of sub-rule (1), it shall be a defence for the accused to prove that the purpose of the communication or association in question was not prejudicial to the defence of India and civil defence, to the efficient conduct of military operations or to the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprison-

ment for a term which may extend to five years, or with fine, or with both.

41. Articles likely to afford information or other assistance to the enemy.—(1) The Central Government or the State Government, if it is satisfied that any article or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying of hostile operations, may by order make provision—

(a) for requiring any person who has any such article in his possession or under his control to report the fact to such authority as may be specified in the order;

(b) for prohibiting or restricting the acquisition, sale, distribution, possession or disposal of such articles;

(c) for requiring such articles to be placed in the custody of such authority as may be specified in the order;

(d) for authorising or requiring the destruction of such articles;

(e) for such incidental or supplementary matters as appear to the Central Government or the State Government, as the case may be, to be necessary or expedient for the purposes of the order.

(2) If any person fails to comply with any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

42. Acts likely to assist military operations of the enemy.—If any person does any act which is likely to give assistance to the naval, military or air operations of the enemy, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

43. Prohibition of prejudicial acts, publications and communications.—(1) No person shall, without lawful authority or excuse,—

(a) do any prejudicial act; or

(b) obtain, collect, record, elicit, make, print or publish, or distribute or communicate by any means whatsoever, to any other person, any information likely to assist the enemy; or

(c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or

(d) make, print, produce, publish or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any information likely to assist the enemy, any confidential information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any

confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any building or other premises licensed under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any law in force in a State for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier, the owner, of any other building, or other premises, in or on which any unauthorised cinematograph film as aforesaid is exhibited, shall be deemed to have contravened this rule.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that in any proceedings arising out of a contravention of this rule,—

(a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—

- (i) before the Act came into force, or
- (ii) with the permission or under the authority of Government, or
- (iii) as a proof intended for submission to Government or to a person or authority designated by Government in this behalf with a view to obtaining permission for its publication;

(b) in relation to the publication of any document or information it shall be a defence for the accused to prove that the said document or information was published,—

- (i) before the Act came into force, or
- (ii) with the permission, or under the authority, of Government.

44. Prohibition of publishing matter derived from enemy sources.—(1) No person shall, without lawful authority, make, print, publish or distribute any document containing, or spread by any other means whatsoever, any matter derived from any enemy sources.

(2) In any proceedings arising out of a contravention of sub-rule (1), where it appears to the Court that the substance of any matter—

- (i) broadcast from any wireless broadcasting station operated or controlled by the enemy, or
- (ii) published in any leaflet dropped from the air or otherwise distributed by the enemy,

is at any subsequent time reproduced, whether in the same or a different form and whether with or without comment, in any document, the Court may presume that the matter contained in the document is derived from an enemy source.

(3) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment

for a term which may extend to five years, or with fine, or with both.

45. Control of local authorities.—(1) If in the opinion of the State Government any local authority has used or is likely to use its local fund, or has employed or permitted or is likely to employ or permit, any of its officers, members or servants to act, in furtherance of any activity prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community, or has passed any resolution approving of or supporting any such activity, or has failed to carry out any orders or direction lawfully made or given to it, the State Government may by order supersede the local authority for such period as may be specified in the order.

(2) When an order of supersession has been made under sub-rule (1),—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b) or clause (c) of sub-rule (3), be exercised and performed by such person or persons as the State Government may direct:

Provided that any such person may direct—

(i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;

(ii) that any such power or duty, whether or not it was so exercised or performed shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf;

(c) all property vested in the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b), or clause (c), of sub-rule (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the order under sub-rule (1), the State Government may—

(a) extend the period for such further term as it may consider necessary;

(b) by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (2) shall not be deemed disqualified for election, appointment or nomination, unless in any particular case the State Government in the order so directs; or

(c) by order direct that the local authority shall subject to any exception which may be specified in the order (any vacancy occasioned by such ex-

ception being regarded as a casual vacancy) be reconstituted by the persons who vacated their offices under clause (a) of sub-rule (2), and shall recommence functioning as if it had not been superseded:

Provided that the State Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-rule (1) or as extended under this sub-rule, make an order under clause (b) or clause (c) of this sub-rule.

46. Illegal possession of certain information and publication.—(1) No person shall, without lawful authority or excuse, have in his possession—

(a) any information likely to assist the enemy or any confidential information; or

(b) any document containing any prejudicial report; or

(c) any unauthorised cinematograph film of the nature described in sub-rule (3) of rule 43.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule.

(3) The licensee of any building or other premises licensed under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any law in force in a State regulating exhibitions by means of a cinematograph and the occupier, or, if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule.

(4) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information it shall be a defence for the accused to prove that the said document or information—

(a) was in his possession with the permission or under the authority of Government; or

(b) was a proof prepared by or for him for submission to Government or to a person or authority designated by Government in this behalf with a view to the obtaining of permission for its publication; or

(c) was published before the Act came into force.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

47. Proscription, etc., of certain documents.—(1) Where in the opinion of the Central Government or the State Government any document made, printed

or published, whether before or after the Act came into force, contains any confidential information, any information likely to assist the enemy or any prejudicial report, that Government may, by order—

(a) require the editor, publisher or person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the supply or communication of such information or in the making of such report;

(b) provide for the safe keeping by persons in possession of such document and copies thereof;

(c) require the delivery of such document and any copy thereof to an authority specified in the order;

(d) prohibit the publication, printing, sale or distribution of such or similar document or any extract therefrom or of any translation thereof, and the repetition of such publication, printing, sale or distribution;

(e) declare such document and every copy or translation thereof or extract therefrom, to be forfeited to Government;

(f) direct the editor or publisher of such document, or the keeper of the press used for the purpose of printing or publishing such document to deposit as security, within such period as that Government may in each case specify, such amount (which may at the option of the person from whom security is demanded be deposited either in money or in Government securities) as that Government may think fit to require;

(g) where such security has been deposited, declare the same to be forfeited to Government if the editor or publisher thereafter makes or publishes such document, or if the press or premises are thereafter used for the purpose of printing or publishing such document;

(h) where such security has not been deposited by the keeper of the press or where the press or premises are used for any such purpose even after the security has been forfeited under clause (g), direct that the press or premises shall be closed down.

Explanation.—In this rule, "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(2) Where in pursuance of sub-rule (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to Government any police officer may seize any copy thereof, wherever found in India and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment.

sonment for a term which may extend to three years, or with fine, or with both.

48. Power to impose censorship. — (1) The Central Government or the State Government may for the purpose of securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally, —

(a) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(b) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects or the use of any press.

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the Government making the order may declare to be forfeited to Government every copy of any document published or made in contravention of such order and any press used in the making of such document.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

49. Power of the Central Government to issue directions to the Controller of Patents and Designs. — (1) In this rule, "Controller" means the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911 (2 of 1911).

(2) If, in the opinion of the Central Government it is necessary or expedient for the defence of India and civil defence or the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community so to do, the Central Government may, notwithstanding anything contained in the Indian Patents and Designs Act, 1911 (2 of 1911), direct the Controller, with respect to any applications for the grant of patents for inventions of such nature as may be specified in the direction, to abstain from doing, or delay the doing of, anything which he would otherwise be required to do in relation to such applications and the Controller shall comply with such direction.

(3) Notwithstanding anything contained in the Indian Patents and Designs Act, 1911 (2 of 1911), the Controller may, subject to such conditions, if any, as he thinks fit, extend the time for doing anything required to be done by or under that Act in relation to any application for the grant of patent in respect of which the Central Government has given any direction to the Controller under sub-rule (2), whether or not such time as previously expired.

50. Control of dramatic performances. — (1) Whenever the State Government is of opinion that any play, pantomime, or other drama performed or about to be performed, in a public place contains

any prejudicial report, or is calculated to instigate the commission of a prejudicial act or to disseminate or encourage feelings of hatred or disaffection towards any class or section of persons in India, it may, by order, prohibit the performance.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

51. Control of cinematograph. — (1) The Central Government or the State Government may by order declare any unauthorised cinematograph film or any cinematograph film which is imported into India in contravention of any order made under these rules to be forfeited to Government.

(2) Where in pursuance of sub-rule (1) any cinematograph film has been declared to be forfeited to Government any police officer may seize such film wherever found in India and any Magistrate may by warrant authorise any police officer not below the rank of a sub-inspector to enter upon and search any premises whereon or wherein any such film is or is reasonably suspected to be.

52. General control of photography. — (1) Subject to any exemptions for which provision may be made by order of the appropriate Government, no person shall, except under the authority of a written permit granted by or on behalf of that Government —

(a) have with him a camera or any material for making a sketch, plan, model or other representation, in, or in the vicinity of any prohibited place, protected place or protected area or any other place or area notified in this behalf by the Central Government, being a place or area in relation to which the restriction of photography or the making of representations appears to that Government to be expedient in the interests of the defence of India and civil defence; or

(b) make any photograph, sketch, plan, model or other representation —

(i) of a prohibited place, protected place or protected area, or of any part of, or object, in, any such place or area;

(ii) of an object of any such description, as may be specified by order of the Central Government;

(iii) of, or of any part of, or object in, any such place or area in India as may be notified by the Central Government in pursuance of clause (a) of this sub-rule.

(2) In any proceedings arising out of a contravention of clause (a) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention application had been made by him for the first time for the necessary permit in relation to the camera or other article in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The appropriate Government may, by general or special order, make provision for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-rule (1), shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be

specified in the order; and may retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(4) If in, or in the vicinity of, any place or area to which this rule or any notification issued in pursuance of this rule applies, any person is found in possession of a camera or material for making a sketch, plan, model or other representation, then, without prejudice to the provisions of sub-rule (5) or to any other proceedings which may be taken against him, such camera or other material shall be liable to forfeiture.

(5) If any person contravenes any of the provisions of this rule or any order made thereunder he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(6) In sub-rules (1) and (3), the expression "appropriate Government" means the Central Government, and except in relation to any prohibited place or to any place or area declared by the Central Government to be a protected place or protected area, includes also the State Government.

53. Matters required to be disclosed under the Companies Act, 1956.—If the Central Government certifies that the disclosure—

(i) of any matter required by sub-section (1) of section 56 of the Companies Act, 1956 (1 of 1956), to be stated in a prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, or

(ii) of the contents of a contract for the inspection of which or of a copy of which a time and place is required by Schedule II to that Act to be stated in the prospectus,

would be prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or to the maintenance of supplies and services essential for the life of the community, the requirements aforesaid shall be deemed to have been complied with by the annexing to the prospectus of a copy of the certificate, and no matter to which the certificate relates shall be stated in the prospectus, nor shall any contract to which the certificate relates or any copy thereof be made available for inspection.

54. Restriction of publication of information relating to certain undertakings.—(1) If the Central Government is of opinion that it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community, it may, by order, declare any information in respect of any undertaking or class of undertakings specified therein as "restricted information" for the purposes of this rule.

(2) No person or authority whatsoever (including Government) shall publish, or cause or allow to be published, any restricted information, or any document containing such information, or any copy of such document or extract therefrom:

Provided that the Central Government may, at any time publish, or cause or allow to be published,

the restricted information, or any such document, copy or extract as aforesaid, to such extent as it may deem fit if in its opinion such publication is not likely to affect prejudicially any of the purposes specified in sub-rule (1).

(3) If any restricted information is required, by or under any law for the time being in force, to be published or disclosed, such requirement shall be deemed to have been complied with on the person or authority concerned producing or laying a copy of the order under sub-rule (1) before the person or authority to whom such publication or disclosure is to be made.

(4) Nothing contained in the foregoing provisions of this rule shall, unless the Central Government by general or special order otherwise directs, be deemed—

(a) to relieve any person carrying on an undertaking to which an order under sub-rule (1) applies from any obligation to furnish to Government or to any Government authority the restricted information, or any document containing such information, or any copy of such document, or extract therefrom;

(b) to prohibit the publication of the restricted information, or any such document, copy or extract as aforesaid, to—

(i) Government;

(ii) any Government authority or local authority;

(iii) the members of a local authority where the undertaking is carried on by the local authority;

(iv) the directors of a company where the undertaking is carried on by the company;

(v) the auditors of the accounts of the undertaking;

(vi) such other persons or authorities (including courts and tribunals) and on such conditions, or in such circumstances as may be specified by the Central Government.

(5) Where publication is made under the provisions of sub-rule (4) to the members of a local authority or to the directors of a company, such publication shall be made only if the restricted information, document, copy or extract is clearly marked with a statement that it is confidential and not to be published to any person other than another member of the local authority or another director.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees.

55. Control of publication of information relating to wrecks.—(1) If a receiver of wreck is of opinion that the publication of a notification under section 397 of the Merchant Shipping Act, 1958 (44 of 1958), in respect of any wreck taken possession of by him may in any way assist the enemy or prejudice the efficient conduct of military operations, he shall refer the matter to the Central Government and shall not publish the notification required by that section unless directed to do so by the Central Government.

(2) On receiving a report under sub-rule (1), the Central Government may either direct the receiver of wreck to proceed in accordance with the provi-

sions of sections 397, 398 and 399 of the Merchant Shipping Act, 1958 (44 of 1958), or issue such other directions regarding the disposal of the wreck as the Central Government may in the circumstances deem proper.

PART VI

False representations, etc.

56. Personation and misleading acts and misrepresentations. — (1) In this rule, the expression "Government" means any Government whether within or without India.

(2) No person shall do any act, or make any statement, —

(a) calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of Government, or as a public servant, or

(b) calculated falsely to suggest that any article or property does or does not belong to, or is or is not in the possession or under the control of Government or has or has not been classified, selected or appropriated on behalf of Government for any particular purpose, or

(c) whereby any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of India or the securing of the public safety, are communicated or are intended to be communicated to the public or to any section thereof, or

(d) having reasonable cause to believe that the said act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of India or civil defence or the securing of the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

57. Forgery and improper use of official documents, etc. — (1) In this rule, —

(a) "Government" means any Government within or without India;

(b) "official document" includes any passport, pass permit, certificate, licence, notice or other document issued by or under the authority of Government or any officer of the Armed Forces of the Union or any police officer;

(c) "official seal" includes any die, seal, plate or other instrument for making an impression or stamp and any impression or stamp of any such die, seal, plate or other instrument, belonging to, or used, made or provided by or for, any Government.

(2) No person shall —

(a) forge, alter, tamper with or destroy any official document or any application, request or receipt in respect of any official document; or

(b) use or have in his possession any forged or altered official document, or any document so nearly resembling an official document as to be calculated to deceive; or

(c) personate or falsely represent himself to be, or not to be, a person to whom an official docu-

ment relates or to whom an official document or any secret official codeword or password has been duly issued or communicated; or

(d) with intent to obtain an official document, secret official codeword or password, whether for himself or for any other person, knowingly make any false statement; or

(e) without lawful authority make, use or have in his possession or under his control any official seal or any die, seal, plate or other instrument so nearly resembling an official seal as to be calculated to deceive.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

58. Improper use of uniforms, etc. — (1) No person shall without lawful authority use or wear —

(a) any official uniform, Indian or foreign, or any dress so nearly resembling such uniform as to be calculated to deceive; or

(b) any official decoration, medal, badge or mark of rank, rating qualification or duty, Indian or foreign, or any copy or miniature thereof, or any ribbon or other emblem designed for use therewith or indicating possession thereof, or any article so nearly resembling any of the aforesaid articles as to be calculated to deceive.

(2) No person shall falsely represent himself to be a person who possesses or has possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1).

(3) No person shall supply or offer to supply any such uniform or article as is mentioned in sub-rule (1) to or for any person whom he knows to be without lawful authority to use or wear it.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) In any prosecution under sub-rule (1) or sub-rule (2) the onus of proving that a person possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1) shall, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), lie upon that person.

PART VII

Preparations for defence

59. Defence exercises. — (1) The Central Government may by notified order authorise the carrying out of defence exercises in such area and during such period as may be specified in the order, and thereupon, within the area and during the period so specified —

(a) any persons engaged in the defence exercises may pass over, or encamp, construct works of a temporary character or execute manoeuvres on any land, or supply themselves with water from any source of water;

(b) any officer of the Armed Forces of the Union may, for the purpose of the defence exercises give directions prohibiting or restricting the use of any part of a railway, water-way, air-space,

road or path, or of any telegraph or telephone service, or of any premises ordinarily open to the public, and take such further measures as may be authorised in this behalf by general or special order of the Officer Commanding-in-Charge, the Command.

(2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890 (9 of 1890), the Indian Telegraph Act, 1885 (13 of 1885), or any other enactment, every public servant shall be bound to comply with any directions given to him under sub-rule (1).

(3) Where any defence exercises are held under the provisions of sub-rule (1), compensation shall be paid for any damage to person or property or interference with rights or privileges arising from such exercises, including expenses, reasonably incurred in protecting person, property, rights or privileges; and assessment and payment of compensation shall be made in accordance with the provisions of section 6 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938):

Provided that no compensation shall be payable in respect of such interference arising out of any direction given or further measures taken under clause (b) of sub-rule (1).

(4) If any person contravenes any direction given under sub-rule (1), he shall be punishable with fine which may extend to one thousand rupees.

60. Field firing and artillery practice.—(1) The Central Government or the State Government may by order authorise the carrying out of field firing and artillery practice throughout such area and during such period as may be specified in the order, and thereupon such persons as are included in the forces engaged in field firing or artillery practice may, within the area and during the period so specified,—

(a) carry out field firing and artillery practice with lethal missiles;

(b) exercise any of the rights conferred on persons engaged in defence exercises by clause (a) of sub-rule (1) of rule 59.

Explanation.—In this rule, «field firing» includes air armament practice.

(2) The Officer Commanding the forces engaged in any such practice may declare the specified area or any part thereof to be a danger zone and thereupon the Collector or any officer authorised by the Collector by general or special order in this behalf shall, on application made to him by the said officer, prohibit the entry into and secure the removal from such danger zone of all persons and domestic animals during the times when the discharge of lethal missiles is taking place or there is danger to life or health.

(3) Where any field firing or artillery practice is carried out under the provisions of sub-rule (1), compensation shall be payable in accordance with the provisions of section 11 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938):

Provided that in applying the provisions of section 6 of the said Act to any such case, the words “to accompany the forces engaged in the manoeuvres” shall be deemed to have been omitted from sub-section (1) thereof.

(4) If during any period specified in an order under sub-rule (1), any person within an area so specified,—

(a) wilfully obstructs or interferes with the carrying out of field firing or artillery practice, or

(b) without due authority enters or remains in any camp, or

(c) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or

(d) without due authority interferes with any flag or mark or target or any apparatus used for the purposes of the practice,

he shall be deemed to have contravened the provisions of this rule, and shall be punishable with fine which may extend to ten rupees.

61. Coastal firing and artillery practice.—(1) The Central Government or the State Government may by order authorise the carrying out of artillery practice and coastal firing towards the sea throughout such area of the sea and during such period as may be specified in the order, and thereupon such persons as are included in the forces engaged in the said coastal firing and artillery practice may, within the area and during the period so specified—

(a) carry out coastal firing and artillery practice with a lethal missile;

(b) give directions prohibiting or restricting the use of any part of the area of the sea or the shores adjoining, including the use of any part of a railway, water-way, air-space, road or path or of any telegraph or telephone services or of any premises ordinarily open to the public or the use of any part of the area of the sea by all vessels, ships, boats of any kind whatever, and take such further measures as may be necessary to ensure that no unauthorised person enters, passes over or is in the area of the sea during such practices.

Explanation.—In this rule, “coastal firing and artillery practice” includes air armament practice.

(2) The Officer Commanding the forces engaged in any such practice may declare the specified area of the sea or any part thereof including such adjoining portion of land or shore to be a danger zone and thereupon the forces deputed for this purpose shall prohibit the entry into and secure the removal from such danger zones of all persons and of navigating craft of any description whatever during the time the discharge of lethal missiles is taking place or there is danger to life or health.

(3) If during any period specified in an order made under sub-rule (1) any person within an area so specified,—

(a) wilfully obstructs or interferes with the carrying out of coastal firing and artillery practice, or

(b) without due authority enters or remains in any camp from which firing is carried out, or

(c) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or

(d) without due authority interferes with any buoy or mark or target or any apparatus used for the purposes of the practice,

he shall be deemed to have contravened the provisions of this rule, and shall be punishable with fine which may extend to twenty rupees.

62. Power to exempt air raid shelters from municipal taxation.— (1) In this rule, "the appropriate Government" means in relation to any cantonment area, the Central Government, and in relation to any other area, the State Government.

(2) The appropriate Government may by order direct that any site or premises on which an air raid shelter is or has been constructed shall, on being certified by an officer appointed in this behalf by the appropriate Government, be exempt from any tax or rate, or from enhancement of any tax or rate levied by a local authority to which the site or premises would not have been liable if the shelter had not been constructed.

63. Safety measures in premises.— (1) The Central Government or the State Government may by order as respects such premises as may be specified in the order,—

(a) require the owner or the occupier of the premises to take such measures as may be specified in the order, or

(b) authorise any person to take such measures as may be so specified, being measures which are in the opinion of that Government necessary to minimise danger to persons being in or in the vicinity of such premises in the event of hostile attack.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

64. Removal of companies' records to place of safety.— The Central Government or the State Government may, if it considers it necessary in the interests of public safety or the defence of India and civil defence so to do, by notified order declare the provisions of this rule to apply to any local area specified in the order; and thereupon so long as the order remains in force, it shall be lawful notwithstanding anything contained in the Companies Act, 1956 (1 of 1956) —

(a) for the Registrar of Companies to remove from any registration office situated within that area all or any of the documents connected with the registration of companies, keep them in such place of safety as he may think fit, and suspend the inspection thereof and the grant of any certificate, certified copy or extract therefrom under section 610 of the said Act;

(b) for any company the registered office of which is situated in that area to remove from the registered office all or any of its registers, books of account and other documents and keep them in such place of safety as the directors of the company may think fit and thereupon that place shall be deemed to be the registered office of the company within the meaning of section 146 of the Companies Act, 1956 (1 of 1956):

Provided that any company removing any of its documents under this rule shall, either before such removal or as soon as practicable thereafter, give notice of the removal to its members and to the Registrar of Companies.

65. Control of motor vehicles.— (1) The Central Government or the State Government may by order provide for requiring motor vehicles or any class of motor vehicles, to be rendered, when not being driven, incapable of use by unauthorised persons; and any such order may contain provisions with respect to the manner in which vehicles are to be rendered incapable of use as aforesaid.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

66. Curfew.— (1) The Central Government or the State Government may, by order, direct that, subject to any specified exemption, no person present within any specified area shall between such hours as may be specified be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

PART VIII

Control of arms and explosives

67. Carrying and possession of arms and explosives.— (1) The Central Government or the State Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of —

(a) arms or articles capable of being used as arms;

(b) ammunition;

(c) dangerous substances.

Explanation.— For the purposes of this rule, "dangerous substances" means —

(i) substances, which are or are declared to be explosives within the meaning of the Indian Explosives Act, 1884 (4 of 1884), and

(ii) substances which (being substances capable of being used in the manufacture of explosives, or being corrosive substances or for any other reason) are declared in the order to be dangerous substances.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force, —

(a) if any police officer not below the rank of head constable or any other public servant authorised by the Central Government or a State Government to act under this rule, suspects that any arms, articles capable of being used as arms, ammunition or dangerous substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle, aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been committed at any time of the day or night and may seize any arms, articles capable of being used as arms, ammunition, or dangerous substances found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(b) if any police officer, or any other public servant authorised by the Central Government or the State Government to act under this rule, suspects that any person is carrying, or is in possession of arms, articles capable of being used as arms, ammunition, or dangerous substances in contravention of an order made under sub-rule (1), such officer or other public servant may stop and search or cause to be searched such person and seize any arms, articles capable of being used as arms, ammunition, or dangerous substances possessed or carried by him which such officer or other public servant suspects to be possessed or carried in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, dangerous substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the State Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

68. Manufacture and transport of explosives and other dangerous articles.—(1) The Central Government may, as respects any premises used for producing, treating, handling or keeping any munitions, explosives or petroleum or any other substance to which any of the provisions of the Indian Explosives Act, 1884 (4 of 1884), or of the Petroleum Act, 1934 (30 of 1934), apply or may be applied, by order make provisions for the safety of persons and property in, or in the vicinity of, such premises; and by any such order may authorise the searching of persons entering, or seeking to enter, or being within any premises to which the order applies:

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Central Government may by order make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-rule (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from or in connection with, such conveyance.

(3) If any person contravenes any order under this rule, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

PART IX

Public safety and order

69. Control of processions, meetings, etc.—(1) The Central Government or the State Government may, for the purpose of securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations by general or special order prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies.

(2) For the purposes of sub-rule (1), any procession, meeting or assembly which is open to the

public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this rule.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

70. Prevention of hartals in place of employment.

— (1) In this rule, —

(a) "hartal" means any concerted cessation of work or refusal to work by a body of persons employed in any place of employment, except a cessation or refusal in furtherance of an industrial dispute with which such body of persons is directly concerned.

(b) "industrial dispute" means an industrial dispute as defined in the Industrial Dispute Act, 1947 (14 of 1947).

(2) If in the opinion of the State Government a body of persons employed in any place of employment is likely to take part in, or is taking part in, a hartal, then, without prejudice to any other proceedings which may be taken in respect of such hartal, the State Government may by order in writing require the person owning or having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the hartal shall not take place or, as the case may be, shall cease.

(3) If in the opinion of the State Government a place of employment has been closed for reasons other than the furtherance of an industrial dispute, the State Government may by order in writing require the owner or persons having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the place of employment shall be opened, and shall remain open, for the uninterrupted employment of persons employed therein.

(4) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to five lakhs of rupees, and to a further fine which may extend to one lakh of rupees for every day after the first during which the contravention continues, or with both such imprisonment and fine as aforesaid.

(5) The provisions of section 32 of the Code of Criminal Procedure, 1898 (5 of 1898), in so far as they limit extent of fine which may be imposed by Courts of Presidency Magistrates and Magistrates of the First Class, shall not apply to any sentence imposed under this rule.

71. Powers to restrict use of motor vehicles.—(1) The Central Government or the State Government may, by general or special order, prohibit, restrict or impose conditions upon, the use or possession of any motor vehicles by any person, other than a member of the Armed Forces of the Union, without a

permit from such military authority as may be specified or from the senior police officer in the district in which the said person resides.

(2) If any police officer or any other person authorised by the Central Government or the State Government in this behalf suspects that any motor vehicle is or is kept in or upon any building, land, vehicle, vessel or other premises or is being used by any person in contravention of an order made under this rule, such officer or person may—

(i) enter and search such building, land, vehicle, vessel or other premises at any time of the day or night and may seize any motor vehicle found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(ii) stop such person and seize any motor vehicle which is being used in contravention of such order.

(3) The Central Government or the State Government may declare any motor vehicle seized in pursuance of this rule to be forfeited to Government and thereupon such motor vehicle shall be disposed of in such manner as may be ordered by that Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

72. Unlawful drilling.— (1) The Central Government or the State Government may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) The Central Government or the State Government may by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such camp, parade, meeting or assembly, or such class thereof, as may be specified in the order.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

73. Unofficial uniforms, etc.— (1) If the Central Government or the State Government is satisfied that—

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Armed Forces of the Union or by a member of any official police force or of any force constituted under any law for the time being in force, or

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem, would be likely to prejudice the public safety, the maintenance of public order, the defence of India and civil defence or the efficient conduct of military operations, the Central Government or the State Government as the case may be, may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this rule, a dress, an article of apparel or an emblem shall be deemed to

be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

74. Power to require the assistance of certain persons.— (1) Any officer of Government authorised in this behalf by general or special order of the State Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(2) The Central Government or, with the previous sanction of the Central Government, the State Government may make orders regulating or empowering a specified authority to regulate the remuneration payable to and other terms and conditions of employment of, persons who are required to assist under sub-rule (1).

(3) If any person fails to comply with any direction under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

75. Power to appoint special police officers.— (1) A District Magistrate, a Sub-Divisional Magistrate, any police officer not below the rank of Deputy Superintendent, or any other officer of Government authorised in this behalf by the State Government may, by order, appoint persons to act as special police officers for such time and within such limits as may be specified in the order; and every person so appointed shall have the same powers, privileges and protection, shall be liable to perform the same duties and subject to the same disciplinary measures, and shall be subordinate to the same authorities as the ordinary officers of police within those limits.

(2) If any person, being appointed a special police officer as aforesaid, neglects or refuses, without sufficient excuse, to serve as such or to obey such lawful orders or directions as may be given to him for the performance of his duties, or withdraws from the duties of his office without permission, he shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding one hundred rupees, or with both.

PART X

Shipping and aircraft

76. Requiring vessels to leave ports.— (1) Any person authorised in this behalf by the Central Government may by order direct that any vessel at any port in India shall leave the port within such period as may be specified in the order to such other port in India by such route as may be so specified.

(2) If any order made under sub-rule (1) is contravened the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

77. General control of navigation.— (1) The State Government as respects inland waters and the Central Government as respects any water, may by order make provision for regulating the places in or to which vessels may be or may go, and the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, in such waters.

(2) If in the case of any vessel any order made under sub-rule (1) is contravened, the master of the vessel shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

78. Power to exclude Indian vessels from particular areas.— (1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient conduct of military operations, by order require any vessel registered in India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

(2) If in the case of any vessel registered in India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

79. Control of buoys, lights, etc.— (1) No person shall, except under permission granted by the Central Government, discontinue, alter or remove, or make any variation in the mode of exhibiting or operating, any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft.

(2) The Central Government may make orders for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

80. Measures for safety of Indian vessels.— (1) The Central Government may by order make provision—

(a) for securing that any vessel registered in India shall not, except under permission granted by the Central Government, proceed to sea from any port (whether within or outside India) unless such requirements in respect of the alteration of the structure or external appearance of the vessel, and in respect of the equipping of the vessel with any particular apparatus, contrivance, appliance or defensive equipment, as may be contained in the order have been complied with;

(b) for securing the proper maintenance and efficient use of any apparatus, contrivance, appliance or defensive equipment with which any such vessel is equipped in pursuance of the order;

(c) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried in connection with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise;

(d) for any incidental or supplementary matters for which it appears to the Central Government to be necessary for the purposes of the order to provide.

(2) An order under sub-rule (1) may be made so as to apply either to a particular vessel or to vessels of a particular class, and so as to apply to any such vessel or vessels either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified.

(3) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

81. Measures for safety of vessels in ports.— (1) The Central Government may, in respect of any vessel or class of vessels while in port in India, by order make provision—

(a) for securing that there shall be kept on board such vessel or vessels such class or description of persons, or such number of persons or such number of persons of such class or description, as may be specified in the order;

(b) for regulating the carrying out of any operations on board such vessel or vessels.

(2) Any member of the Armed Forces of the Union acting in the conduct of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any such order applies for the purpose of ascertaining whether the provisions of the order are being complied with.

(3) If any order made under sub-rule (1) is contravened the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

82. Additional measures for safety of vessels in ports.— (1) Any person authorised by the Central Government in this behalf may give directions to the owner or master of any vessel which is for the time being at a port in India or of any vessel registered in India which is for the time being at a port outside India requiring him—

(2) to take such steps as may be specified in the directions for the purpose of securing that, while the vessel remain at the port, fires occurring in the vessel will be immediately detected and combated;

(b) to secure that, while the vessel remains at the port, either at all times or during such periods as may be specified in the directions—

(i) in a case where the vessel is equipped with a gun or other instrument or device capable

of being used to defend the vessel against hostile attack, the gun, instrument or device will be manned;

(ii) in a case where the vessel is propelled by mechanical power, the vessel is capable of being moved under her own power and of proceeding to sea immediately when ordered to do so;

(iii) such precautions as may be specified in the directions will be taken to guard against attempts to interfere with, or damage the vessel or any part thereof or anything contained therein;

(c) for the purpose of taking such steps or securing such matters as aforesaid, to secure that such number of persons, or such number of persons of such class or description, as may be specified in the directions, shall be or shall remain on board the vessel, either at all times while the vessel remains at the port or during such periods as may be so specified;

(d) to do or not to do such other things as may appear necessary or expedient to do or not to do for the purpose of securing the safety of the vessel or preventing the vessel from endangering other vessels or property at the port in the event of fire, explosion, hostile attack or other similar occurrence.

(2) Any member of the Armed Forces of the Union acting in the course of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any directions given under sub-rule (1) relate for the purpose of ascertaining whether the directions are being complied with.

(3) Any person authorised by the Central Government in this behalf, if he considers that any vessel in any port in India, whether because it is on fire or has suffered damage by fire or otherwise, or for any other reason constitutes a danger to other vessels or to the efficient working of the port, may give directions to the owner or master of such a vessel requiring him to scuttle or beach the vessel in such a position as may be specified in the directions.

(4) If the owner or master of any vessel to which any directions given under sub-rule (1) or sub-rule (3) relate fails to comply with such directions, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(5) Where to give effect to arrangements made for complying with directions given under sub-rule (1) as respects a vessel at a port in India a person (not being a member of the crew of the vessel) has been engaged or required to perform duties on board a vessel, then, if he fails to perform those duties, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

83. Loading of ships. — (1) In this rule, —

(a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958);

(b) "assigning authority" has the same meaning as in the load line rules;

(c) "load line rules", "load line certificate" and "international load line certificate" have the same meanings as in the Act;

(d) "unsafe ship" has the same meaning as in sub-section (1) of section 336 of the Act.

(2) Sub-section (1) of section 313 of the Act shall have effect, in relation to a ship to which this sub-rule applies, subject to the following amendments:—

(a) where the ship is entitled under the load line rules to be loaded to the depth indicated by the summer load line prescribed by the said rules, the appropriate load line for the purposes of the said sub-section shall be the tropical load line so prescribed;

(b) where the ship is entitled under the load line rules to be loaded to the depth indicated by the tropical load line prescribed by the said rules, the appropriate load line for the purposes of the said sub-section shall be the tropical fresh water load line so prescribed.

(3) Subject to the provisions of this rule, sub-rule (2) shall apply to all ships registered in India (not being exempt from the provisions of Part IX of the Act, relating to load line) with such exceptions and subject to such restrictions as may be specified in a general or special order by the Central Government.

(4) Sub-rule (2) shall not apply to a ship unless the load line certificate issued in respect thereof bears an endorsement in the prescribed form signed by or on behalf of an assigning authority stating —

(a) that the ship is one to which the said sub-rule applies;

(b) the effect of the said sub-rule;

(c) any restrictions specified in any such order subject to which the said sub-rule applied to the ship.

(5) A certificate issued in respect of a ship shall not be endorsed by or on behalf of an assigning authority in pursuance of sub-rule (4) unless the authority is satisfied that the ship if loaded in accordance with sub-section (1) of section 313 of the Act, as amended by sub-rule (2), will not be an unsafe ship.

(6) It shall be the duty of the owner of every ship mentioned in sub-rule (3), not being a ship excepted by an order made by the Central Government under that sub-rule, to apply in writing to an assigning authority within the prescribed time for endorsement of the ship's load line certificate in pursuance of sub-rule (4).

(7) After receiving any such application with respect to a ship, the assigning authority may, by order in writing served on the owner or master of the ship, exercise all or any of the following powers, namely:—

(a) require such documents and information with respect to the ship as may be specified in the order to be delivered to it within such period as may be so specified;

(b) require the ship to be submitted for survey at such place and within such period as may be so specified;

(c) in a case where it appears to the assigning authority (whether as the result of a survey or otherwise) that the ship, if loaded as mentioned in sub-rule (5) would be an unsafe ship require the ship, within such period as may be so specified, to be altered in such manner, or to be equipped with such apparatus, contrivances or appliances, as may be so specified, being alterations or equipment which in its opinion will cause the ship not to be an unsafe ship if loaded as aforesaid;

(d) require the ship's load line certificate to be delivered to it for endorsement within such period as may be so specified.

(8) The provisions of clause (b) of sub-section (1) of section 319 and sub-section (1) of section 320 of the Act shall, in the case of a ship, the load line certificate of which has been endorsed by virtue of sub-rule (4), have effect as if the particulars mentioned in the said provisions included particulars of the endorsement.

(9) Where the load line certificate of a ship has been endorsed by virtue of sub-rule (4) and the ship ceases by virtue of an order under sub-rule (3) to be a ship to which sub-rule (2) applies, the owner of the ship shall forthwith deliver up the certificate to an assigning authority who shall cancel the endorsement.

(10) Where the Central Government is satisfied that provision has been made by the law of any country, to which the International Convention respecting Load Lines, 1966, applies similar to the provisions of sub-rule (2) and for the endorsement of load line certificate of ships of that country in manner similar to that required by sub-rule (4), it may by order direct that, where a certificate issued in respect of a ship of that country bears such an endorsement in such form as may be specified in the order, the certificate —

(a) shall be deemed for the purposes of Part IX of the Act, to be a valid international load line certificate notwithstanding that it bears the endorsement, if, but for the endorsement, it would be such a certificate; and

(b) shall have effect, for the purposes of the said Part IX, as varied by the endorsement.

(11) Where an order is in force under sub-rule (10) as respects ships of any country, section 326 of the Act shall have effect in relation to any such ship as if the following sub-clause were substituted for sub-clause (i) of clause (b) thereof, namely:—

“(i) in the case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded;”.

(12) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with fine which may extend to one thousand rupees.

84. Provisioning of vessels.—(1) The Central Government may for the purpose of securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or for maintaining supplies and services essential to the

life of the community, by general or special order make provisions for requiring any—

(a) vessel proceeding to sea from a port in India on a voyage to any other port in India.

(b) vessel registered in India proceeding to sea from any port, to have on board such emergency rations, supplies of fuel or other stores as may be specified in the order.

(2) Any provisions of an order under sub-rule (1) may be framed so as to apply to any specified class of such vessel and so as to apply to any such vessel while engaged in such trades as may be specified in the order.

(3) If any vessel proceeds or attempts to proceed to sea without complying with an order under sub-rule (1) or if otherwise there is any contravention of such an order in the case of a vessel, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

85. Power to require performance of services in certain ships.—(1) In this rule, “competent authority” means an officer appointed by the Central Government as such for the purposes of this rule.

(2) The competent authority may direct any person to perform such services in any ship or aircraft as may be specified or described in the direction, being any services which that person is, in the opinion of the competent authority, accustomed to perform.

(3) Any services required to be performed by a direction under sub-rule (2) shall be performed on such terms as to remuneration and conditions of service as the competent authority may direct.

(4) If any person contravenes any direction given under this rule, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

86. Employment in Indian vessels.—(1) The Central Government may as respects any class of vessels registered in India, by order make provision for prohibiting or restricting or regulating the employment on board the vessels to which the order applies, of any such class of persons as may be specified in the order.

(2) An order under sub-rule (1) may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified and so to restrict the employment of persons on such vessels as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

87. Employment abroad of agents for Indian vessels.—(1) The Central Government, with a view to preventing the employment abroad, in connection with the management of vessels registered in India of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may

be specified, the owner, manager or charterer of any vessel registered in India, being a person resident in India, or a corporation incorporated under any law in force in India, shall not employ in any foreign country or territory, in connection with the management of the vessel, any person other than a person approved for the purpose by the Central Government; and an order under this rule may be made so as to apply either generally to employment in such foreign countries or territories, or to employment in such foreign countries or territories or such class of foreign countries or territories, as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

88. Power to restrict use of foreign ships. — (1) In this rule, "foreign ship" means a ship which is not a ship registered in India.

(2) The Central Government may by notified order make provision for regulating or restricting the charter by persons whether on their own behalf or as agents for other persons whether within or without India, of foreign ships or of space or accommodation therein and the entering into agreements, for the carriage of goods in foreign ships by or on behalf of persons in India.

(3) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with fine.

89. Stopping of vessels. — (1) The Central Government, if it appears to it to be necessary or expedient so to do in the interests of the defence of India and civil defence, the public safety, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, may by order direct —

(a) as regards any class of vessels in India, that no vessel of that class shall leave any port or place in India at which it may be, or

(b) as regards any particular vessel at any port or place in India, that the vessel shall not leave that port or place,

except with the permission granted by such authority as may be specified in the order.

(2) If any vessel leaves or attempts to leave any port or place in contravention of an order made under sub-rule (1), the master of the vessel shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

90. Power to restrict the transfer of aircraft. —

(1) No person shall, without the previous consent in writing of the Central Government, transfer or acquire any interest in any aircraft registered under the Aircraft Act, 1934 (22 of 1934), wherever such aircraft may be, whether the certificate of registration of such aircraft is in force or not, or in any part of an aircraft, or in any materials identified under any system, recognised by the Director-General of Civil Aviation in India, for the purpose of the construction of aircraft.

(2) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

91. Enforcement of provisions of the Aircraft Act, 1934 and rules made thereunder. — The pilot of any aircraft flying in contravention of any provision of, or of any rule made under, the Aircraft Act, 1934 (22 of 1934), or of any order made under rule 94 of these Rules shall, on being warned in the manner prescribed by the rules made under that Act, immediately land, and if such pilot fails to comply with such warning as aforesaid, any commissioned officer of the Armed Forces of the Union may take or cause to be taken such action as may be necessary to terminate the flight.

92. Stopping of aircraft. — (1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of India and civil defence so to do, order, with respect to any particular aircraft at any place in India, that the aircraft shall not leave the place until permitted to do so by such authority or person as may be prescribed in the order.

(2) Subject to the provisions of sub-rule (3), if any aircraft leaves or attempts to leave any place in contravention of any such order as aforesaid, the pilot of the aircraft shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any order made under this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

93. Seizure of aircraft. — (1) The Central Government may, by order, require the seizure of any aircraft belonging to the enemy, or any aircraft or class of aircraft which is owned, controlled or operated by, or is in the possession of custody of, any person domiciled or resident in an enemy territory, or any aircraft or class of aircraft, the operation of which is likely to aid or assist the enemy or is likely to be prejudicial to the defence of India or public safety.

(2) Without prejudice to the generality of the foregoing powers, an order made under sub-rule (1) may —

(i) provide for any authority, or empower any authority specified therein, by which any of the powers conferred by the rule is to be exercised;

(ii) require any aircraft or class of aircraft to be placed at the disposal of any authority specified therein.

94. Power to regulate conditions of flight, inspection of aircraft, aerodromes, etc. — (1) Notwithstanding anything contained in the Aircraft Act, 1934 (22 of 1934), or in any rules, notifications or orders made thereunder, the Chief of the Air Staff or any officer authorised by him in this behalf, may, by order, —

(a) specify the air routes by which and the conditions under which aircraft may enter or leave

India, or may fly over India, and the places at which aircraft shall land;

(b) prohibit the flight of aircraft over such areas and subject to such conditions and exceptions, if any, as may be specified in the order;

(c) prohibit or regulate the carriage in aircraft of any such articles or substances as may be specified in the order;

(d) lay down the conditions under which aircraft may be flown or may carry passengers or mails or goods or any or all of them;

(e) provide for the inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the prohibition or regulation of the use of aerodromes;

(f) provide for the supervision and control of air route beacons, aerodrome lights, lights at or in the neighbourhood of aerodromes and lights on or in the neighbourhood of air routes;

(g) provide for the removal of goods from any aircraft for examination;

(h) authorise any Commissioned Officer of the Armed Forces of the Union to enter, inspect and search any place or aircraft for the purpose of discharging his functions under any of these rules or any order made thereunder or securing compliance with any such rule or order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

95. Control of navigation of seaplanes.—(1) The Central Government may, by order, make provision as to the places in India in or to which seaplanes may be or may go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of seaplanes on the surface of the water.

(2) For the purposes of this rule, seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while they are in contact therewith.

(3) If in the case of any seaplane an order made under the provisions of sub-rule (1) is contravened, the pilot of the seaplane shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

PART XI

Requisition and acquisition of movable property

96. Definitions.—(1) In this Part, unless the context otherwise requires,—

(a) "competent authority" means the Central Government or the State Government or any person appointed by the Central Government or the State Government to exercise the powers of competent authority under any provision in this Part; and

(b) "movable property" includes,—

(i) any vessel or aircraft for the time being in India;

(ii) any vessel or aircraft registered in India, wherever it may be; and

(iii) any property forming part of or on board any such vessel or aircraft.

(2) Any notice issued or order made under any provision in this Part shall be deemed to have been served on the owner of any property if it is served on the person having possession or control of that property.

97. Requisitioning of property.—(1) If in the opinion of the competent authority it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or the maintenance of services and supplies essential to the life of the community, the competent authority may, by order in writing, requisition any movable property and may make such further orders as appear to it to be necessary or expedient in connection with the requisition.

(2) Where the competent authority has requisitioned any property under sub-rule (1), it shall vest in the Government for the period of the requisition and the Government may use or deal with it in such manner as may appear to it to be expedient.

(3) Without prejudice to any powers otherwise conferred by these rules, any person authorised by a competent authority may enter any premises and inspect any property therein or thereon for the purpose of determining whether, and, if so, in what manner, any order under this rule should be made in relation to such property, or with a view to securing compliance with any order made under this rule.

98. Release from requisition.—(1) The competent authority may, at any time release from requisition any property requisitioned under rule 97 and shall, as far as possible, restore the property in as good a condition as it was when possession thereof was taken, subject only to the changes caused by reasonable wear and tear.

(2) Where any property is to be released from requisition, the competent authority may, after such inquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing to whom possession of the property shall be given.

(3) The delivery of possession of the requisitioned property to the person specified in the order made under sub-rule (1) shall be a full discharge of the Government from all liability in respect of such property and the requisition shall be at an end:

Provided that nothing in this rule shall prejudice any rights in respect of the property which any other person may be entitled to by due process of law to enforce against the person to whom the possession of the property is so delivered.

(4) Where the person to whom the possession of and requisitioned property is to be given cannot be found and has no legal agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the property is released from requisition to be published in the Official Gazette.

(5) When a notice referred to in sub-rule (4) is published in the Official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person enti-

tled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of the property for any period after the said date.

99. Power to acquire requisitioned movable property.—(1) In respect of any property requisitioned under rule 97, the competent authority may, at any time, serve upon the owner or, if the owner cannot be found, publish in the Official Gazette, a notice to the effect that the competent authority has decided to acquire such property in pursuance of this rule.

(2) When a notice as aforesaid is served upon the owner or published in the Official Gazette, as the case may be, the requisitioned property shall, as and from the beginning of the day on which the notice is so served or published, vest absolutely in the Government free from all encumbrances and the period of requisition of such property shall end.

100. Compensation for requisitioning of property.—The compensation payable in respect of requisitioning of any movable property, including vehicles, vessels and aircraft, shall be the sum total of the following items—

(i) interest on the cost at which the owner had purchased the property calculated in a manner and at a rate, not being below three per cent. or above six per cent. per annum, that may be prescribed by the Government by a general or special order for any class of property:

Provided that where the property has been obtained by the owner as a gift or its cost cannot be established by him to the satisfaction of the competent authority or its cost exceeds the current replacement price of the property, the current price of the same property or property which, in the opinion of the competent authority, is substantially similar to it, shall be taken to be its cost;

(ii) an amount representing depreciation of the property during the period of its requisition calculated at a rate not exceeding thirty per cent. per annum and in a manner that may be prescribed by the Government by a general or special order for any class of property;

(iii) an amount for the loss of the use of the property or of any profits that might have been earned but for the requisition, at such percentage, not being less than three per cent. per annum, as may be prescribed by the Government, of the cost referred to in (i) above as reduced by depreciation calculated at the same rate as for (ii) above in such manner and for such period as may be so prescribed;

(iv) any further amount that the Central Government may by general or special order specify:

Provided that in the case of a property for which the full consideration due under a hire-purchase agreement has not been paid, so much of the compensation as relates to items (iii) and (iv) above shall be payable to the hirer and the balance, representing (i) and (ii) above shall be made over to the financier till he receives the full consideration and this provision shall override any terms to the contrary in the hire-purchase agreement:

Provided further that if during the period of requisition the property is damaged otherwise than by

normal wear and tear or lost at a time when it is not insured, there shall be paid to the owner additional compensation of a sum equal to the cost of making good the damage or, in the case of a total loss, a sum equal to the compensation that may be payable if the property is acquired on the date of the loss, the compensation being determined in the manner set out in rule 101:

Provided also that the owner shall have the right to appeal to the Compensation Tribunal hereinafter provided, within thirty days of the receipt of the order of the competent authority assessing the compensation or within such further period as the Tribunal may, for sufficient cause, allow in the form and manner that may be prescribed by the Central Government by a general or special order.

101. Compensation for acquisition of property.—The compensation payable in respect of the acquisition of any movable property shall be the controlled price of the property, that is to say, the price fixed by order under any law for the time being in force:

Provided that, in respect of the property the price of which is not controlled or which is not new, the compensation shall not exceed a sum equal to the price which might have to be paid for its replacement on the date of the acquisition, reduced by a sum equal to the depreciation of the property, calculated in the manner and at a rate not exceeding thirty per cent. per annum prescribed by the Central Government in a general or special order for any class of property.

Explanation.—In arriving at the price which might have to be paid for the replacement of the property, no account shall be taken of any appreciation in the value thereof after the date of Proclamation of Emergency:

Provided further that the owner of the property shall have the right to appeal to the Compensation Tribunal hereinafter provided, within thirty days of the receipt of the order of the competent authority assessing the compensation or within such further period as the Tribunal may, for sufficient cause, allow, in the form and manner that may be prescribed by the Central Government by a general or special order:

Provided also that where an agreement has been reached between the competent authority and the owner of the property, the compensation agreed to shall be payable, notwithstanding that it is more or less than the amount payable as aforesaid, unless it is revised by the Compensation Tribunal hereinafter provided, on a reference by the Central Government or State Government after giving to the owner a reasonable opportunity of being heard.

102. Compensation Tribunal.—(1) The Central Government shall by notification appoint a Compensation Tribunal for such area as may be specified in the notification to exercise the functions conferred on the Compensation Tribunal by the foregoing rules.

(2) The Compensation Tribunal shall consist of,—

(i) a person who has for at least ten years either held a judicial post or been in practice as an advocate of a High Court, and

(ii) a person who has for at least ten years been in the practice of Accountancy as a chartered ac-

countant under the Chartered Accountants Act, 1949 (37 of 1949), or as a registered accountant under any law previously in force or partly as a registered accountant and partly as a chartered accountant, or any person who has had, in the opinion of the Central Government, adequate experience of a character which renders him suitable for appointment to the Tribunal.

(3) If the members of a Tribunal constituted for any area differ in their assessment of the compensation payable to the owner of a property, the case shall be referred by the Central Government to a member of a Tribunal constituted for any other area and it shall be decided according to the assessment made by him.

(4) The orders passed by the Compensation Tribunal on appeal or revision shall be final.

(5) The Compensation Tribunal shall have all the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

(6) The Central Government may, by order —

(a) prescribe the procedure to be followed by the Compensation Tribunal in proceedings under this rule; and

(b) make provision generally for carrying into effect the provisions of this rule.

103. Payment of compensation. — The compensation determined by the competent authority for requisitioning or acquiring property shall be paid within such period, at such intervals and in such manner as the Central Government may, by a general or special order, prescribe:

Provided that where payment of the compensation is delayed beyond the period so prescribed, interest shall be payable on the amount or part of the amount in arrear at such rate not being below three per cent. or above six per cent. per annum and with effect from such date or dates that the Central Government may prescribe by a general or special order.

104. Power to take up accommodation in vessels and aircraft. — (1) The competent authority may, by order in writing, require the owner of any vessel or aircraft registered in India, —

(i) to place at the disposal of the competent authority the whole or any part of the space or accommodation available on such vessel or aircraft and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order, and

(ii) to undertake or permit to be undertaken such structural additions or alterations on board such vessel or aircraft as may be necessary for the safe carriage of any persons, animals or things.

(2) Whenever, in pursuance of clause (i) of sub-rule (1) any space or accommodation in any vessel or aircraft is placed at the disposal of the competent authority, there shall be paid to the owner of such vessel or aircraft such compensation as the competent

authority may determine having regard to the rates usually paid by him for like space or accommodation during the twelve months immediately preceding the date of Proclamation of Emergency.

105. Power to require information, etc. — A competent authority may, with a view to requisitioning any property or taking any other action with respect thereto in pursuance of the provisions of this Part, by order in writing, —

(i) require any person to submit to it, within such time or at such intervals as may be specified in the order, such information and documents in his possession relating to the property as may be so specified, being information and documents reasonably necessary for carrying into effect the provisions of this Part;

(ii) direct that the owner, occupier or person in possession of the property shall not without the permission of the competent authority dispose of it, or remove it from the premises in which it is kept, till the expiry of such period as may be specified in the order.

106. Penalty for contravention of orders under this Part. — If any person contravenes any order made in pursuance of any provision of this Part, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

PART XII

Essential supplies and work

107. Control of building operations. — (1) In this rule, "building" includes a compound wall, a concrete road inside private premises and any other structure in which stone, lime, sand, brick, cement, steel, or timber is used.

(2) The Central Government or the State Government, if in its opinion it is necessary so to do for the purpose of maintaining supplies and services essential to the life of the community, may by order direct that, within such areas as may be specified in the order, no building, or no building of such class as may be so specified, shall be erected, re-erected, constructed or altered except under the authority of a written permit granted by or on behalf of that Government.

(3) Every authority granting permits in pursuance of an order made under sub-rule (2) shall have power to impose on the permit-holder such conditions as that authority thinks fit for conserving essential building materials, and to revoke, or modify the terms of, any permit granted by it.

(4) If any person contravenes any order made under sub-rule (2), or fails to comply with any condition imposed under sub-rule (3), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(5) If in the opinion of the Government making an order under sub-rule (2) any building has been erected, re-erected, constructed or altered in contravention thereof, that Government may by a further order in writing require the owner of the building to remove the unauthorised structure within such period as may be specified in the order, and if the order is not complied with, the owner shall be punishable

with fine extending to one hundred rupees for every day during which the contravention continues.

108. Power to exempt building from the operation of building laws.—Nothing contained in any law for the time being in force, or in any rule made under any such law, to regulate the erection, re-erection, construction, alteration or maintenance of buildings, shall apply to any building the use of which by or on behalf of Government is certified by the Central Government or the State Government to be necessary or expedient for the successful conduct of military operations and the defence of India or civil defence or to any works executed, whether in relation to a building or otherwise, by any person with the sanction of the Central Government or the State Government, for the purpose of providing air raid shelter or rendering any building less vulnerable to hostile attack.

109. Restrictions on certain powers of local authorities.—(1) In this rule, "the appropriate Government" means in relation to cantonment authorities and port authorities in major ports, the Central Government, and in relation to other local authorities, the Central Government or the State Government.

(2) No local authority shall, except with the permission of the appropriate Government, exercise its powers of entry and inspection, or its powers of calling for information, in respect of any buildings or other premises which the Central Government may, with a view to preventing leakage of information valuable to the enemy, certify in this behalf; and the appropriate Government may, at the time of granting the permission or subsequently, impose such conditions as it thinks fit in the manner in which, and the extent to which, the powers shall be exercisable by or on behalf of the local authority in respect of those buildings or other premises.

(3) No local authority shall, except with the permission of the appropriate Government, exercise its powers of demolition in respect of any building which may be certified by the Central Government as being used for purposes essential to the defence of India and civil defence, the efficient conduct of military operations or the maintenance of essential services or supplies, and the appropriate Government may, at the time of granting the permission or subsequently, impose such conditions as it thinks fit in the manner in which, and the extent to which, the powers shall be exercisable by or on behalf of the local authority in respect of the building.

110. Power to do work on land.—(1) For the purposes of this rule and of rule 111, the doing of work on land shall include the demolition or rendering useless of anything placed in, on or over the land, the removal from the land of anything so demolished or rendered useless and the maintenance of any work or thing in, on or over the land.

(2) Any member of the Armed Forces of the Union acting in the course of his duty as such, and any other person authorised by the Central Government or the State Government in that behalf, may, if in the opinion of such member or person it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services

essential to the life of the community, do any work on any land, or place anything in, on or over any land.

(3) If in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, that Government may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(4) No person shall, except with the permission granted by or on behalf of the Central Government or the State Government, as the case may be, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this rule.

(5) Anything removed from any land in pursuance of this rule may be sorted, and stored, or disposed of, in such manner as the Central Government or the State Government, as the case may be, may by general or special order direct.

(6) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

111. Powers to require certain persons to do work.—(1) Any officer of Government authorised in this behalf by general or special order of the Central Government or the State Government may, within such area as may be specified in the order, require any adult male person in that area to assist in the doing of work on land for such period and in such manner as the officer may direct, being work the doing of which is in the opinion of the officer necessary to meet an actual or apprehended attack, or to repair or reduce the damage resulting therefrom or to facilitate offensive or defensive operations in the area.

(2) Any person doing work in compliance with any direction under sub-rule (1) shall be paid such remuneration for doing the work as the officer giving the direction may determine.

(3) If any person fails, without any reasonable excuse, to comply with any lawful direction given to him under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

112. Salvage from premises damaged by military operations.—(1) The Central Government or the State Government may by general or special order provide—

(a) for the clearing of any premises which, in consequence of military operations, are substantially damaged or are contaminated by any lethal gas or noxious substance;

(b) for the protection of any animals, articles or things left upon such premises as aforesaid;

(c) for the removal, storage or disposal of any such animals, articles or things as aforesaid, including the disinfection or destruction of animals, articles or things which may be a source of danger to public health or safety.

Explanation.—In this sub-rule, “premises” includes buildings, lands, harbours, docks, piers, wharves and other such places, and “articles” includes vehicles and vessels.

(2) Any animals, articles or things removed from any premises in accordance with an order under sub-rule (1) shall, subject to any provisions of the order authorising destruction or disposal, be held on behalf of the person for the time being entitled thereto until they are delivered to him.

(3) Where any animals, articles or things are disposed of, whether by sale at the premises or otherwise, in accordance with an order under sub-rule (1), the net proceeds, if any, of such sale or disposal shall be held on behalf of the person for the time being entitled thereto until they are delivered to him.

(4) If any person contravenes the provisions of any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

113. Control of agriculture.—(1) The Central Government or the State Government, so far as it appears to it to be necessary or expedient for regulating or increasing the supply of articles which can be used in connection with the conduct of military operations or for maintaining supplies and services essential to the life of the community, may by notified order provide for—

(a) prohibiting, restricting, or otherwise controlling the cultivation of specified crops;

(b) bringing under cultivation any waste or arable land whether appurtenant to a building or not, and for the growing therein of specified crops;

(c) securing the utilisation of land for the cultivation of specified crops, or as pasture lands, or for any other agricultural purposes;

(d) adoption of measures for the protection of crops against pests and diseases and for the destruction of diseased or infested crops or trees which may be a danger to the neighbouring crops or trees;

(e) any incidental and supplementary matters for which the Central Government or the State Government thinks it expedient for the purposes of the order to provide including in particular the entering and inspection of land or premises to which the order relates with a view to securing compliance with the order; the seizure of any crops or other produce of land cultivated or grown in contravention of the order, and the grant or issue of permits and other documents for the purposes of the order;

and an order under this rule may be made so as to apply either to persons or lands generally, or to any particular person or land or class of persons or lands, and so as to have effect either generally or in any particular area:

Provided that no order shall be made by a State Government under clause (a) except with the previous approval of the Central Government.

(2) If in the opinion of the State Government the person in possession or effective control of any land

to which an order made under clause (b) of sub-rule (1) applies has failed to comply with the order, that Government may, without prejudice to any other action that may be taken against that person (hereinafter referred to as the defaulter) in respect of the contravention, by order direct that the land shall be placed in the exclusive possession of such person and for such period as may be specified in the order, and during the period of continuance of the last mentioned order the person specified therein shall have all the rights of the defaulter to manage the land and realise the profits arising therefrom and shall only be liable to pay on behalf of the defaulter the Government revenue, all other charges of a public nature and the rent, if any, accruing due in respect of the land during that period.

(3) If any person contravenes any order made under this rule otherwise than under clause (b) of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and in addition, any Court trying such contravention may direct that any crops or other produce of land cultivated or grown in contravention of the order shall be forfeited to Government.

114. General control of industry, etc.—(1) In this rule, unless the context otherwise requires,—

(a) any reference to any article or thing shall be construed as including a reference to electrical energy;

(b) the expression “undertaking” means any undertaking by way of any industry, trade or business and includes the occupation of handling, loading or unloading of goods in the course of transport.

(2) If the Central Government or the State Government is of opinion that it is necessary or expedient so to do for securing the defence of India and civil defence, the efficient conduct of military operations or the maintenance or increase of supplies and services essential to the life of the community or for securing the equitable distribution and availability of any article or thing at fair prices, it may, by order, provide for regulating or prohibiting the production, manufacture, supply and distribution, use and consumption of articles or things and trade and commerce therein or for preventing any corrupt practice or abuse of authority in respect of any such matter.

(3) Without prejudice to the generality of the powers conferred by sub-rule (2), an order made thereunder may provide for—

(a) regulating by licences, permits or otherwise, the production, manufacture, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever;

(b) regulating or prohibiting any class of commercial or financial transactions in respect of any article or thing which, in the opinion of the Government are, or, if not regulated or prohibited, are likely to be, detrimental to any of the purposes specified in sub-rule (2);

(c) prohibiting the withholding from sale, either generally or to specified persons or class or classes of persons, of articles or things ordinarily kept for sale and for requiring articles or things ordinarily kept for sale to be sold either generally or to

specified persons or class or classes of persons or in specified circumstances;

(d) requiring any person holding in stock any article or thing to sell the whole or a specified part of the stock to the Government or to an officer or agent of the Government or to such other person or class or classes of persons and in such circumstances as may be specified in the order and if the order relates to foodgrains, edible oil seeds or edible oils at such price as may be specified in the order having regard to—

(i) the maximum price, if any, fixed by order under clause (h) or by or under any other law for the time being in force, for the grade or variety of foodgrains, edible oil seeds or edible oils to which the order under this clause applies; and

(ii) where no maximum price as referred to in sub-clause (i) is fixed, the price for that grade or variety of foodgrains, edible oil seeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which the order applies.

Explanation.—For the purposes of this sub-clause, “postharvest period”, in relation to an area, means the period of four months beginning from the last day of the fortnight during which harvesting operations normally commence;

(e) securing the production or manufacture of specified articles or things in specified quantities and for effecting modification in the pattern of production or manufacture of such articles or things;

(f) securing the production, manufacture, supply or sale according to the prescribed standards and specifications, of any article or thing appearing to the Government essential to any of the purposes specified in sub-rule (2);

(g) the minimum and maximum stock of any article or thing appearing to the Government essential to any of the purposes specified in sub-rule (2), to be held by any consumer or by any producer, manufacturer, distributor, dealer or other person;

(h) controlling the prices or rates at which articles or things of any description whatsoever may be sold or hired or for relaxing any maximum or minimum limits otherwise imposed on such prices or rates;

(i) controlling the rates at which any vessel registered in India may be hired and the rates at which persons or goods may be carried in or on any such vessel;

(j) requiring any employers or class or classes of employers to supply to all or any class of their employees or to any class of dependants of such employees such articles or things in such quantities and at such price as may be specified in the order and to provide such accommodation and other facilities for taking meals at or near the place of employment as may be so specified;

(k) controlling the recruitment and employment of labour in such areas as may be specified in the order, with a view to securing that efficient workers are available for undertakings which, in the opinion of the Government, are essential undertakings;

(l) regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the Government essential to any of the above mentioned purposes, and, in particular,—

(i) for requiring work to be done by an undertaking;

(ii) for determining the order of priority in which, and the period or periods within which work shall be done by an undertaking;

(iii) for controlling or fixing the charges which may be made by the undertaking in respect of the doing of any work by it;

(iv) for requiring, regulating or prohibiting the engagement in the undertaking of any employees or class or classes of employees;

(v) for requiring the undertaking to provide adequate safeguards against sabotage;

(m) requiring persons engaged in the production, manufacture, supply or distribution of, or trade and commerce in any article or thing, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto and to employ such accounting and auditing staff as may be specified in the order;

(n) collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(o) requiring persons carrying on any industry, trade or business or employed in connection with any undertaking to produce to such authority as may be specified in the order, any books, accounts or other documents relating thereto; and for requiring such persons to furnish such authority as may be specified in the order such estimates, returns or other information relating to any industry, trade or business or any undertaking as may be specified in the order or demanded thereunder;

(p) the grant or issue of licences, permits or other documents, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;

(q) any incidental or supplementary matters for which the Central Government or the State Government thinks it expedient for the purposes of the order to provide, including in particular, the entry into, search and inspection of premises, places, vehicles, vessels or aircraft, the seizure, subject to the provisions of sub-rule (9) by a person authorised to make such search of any articles or things in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about or likely to be, committed.

(4) Notwithstanding anything contained in sub-rules (2) and (3), an order under these sub-rules for regulating by licences, permits or otherwise the movement or transport of any foodstuffs, including edible oil seeds and edible oils, or for controlling the prices or rates at which any such food-stuffs may be bought or sold, shall not be made by the State Government except with the prior concurrence of the Central Government.

(5) Notwithstanding anything contained in sub-rules (2) and (3), an order under the said sub-rules for regulating by licences, permits or otherwise the movement or transport of an article specified in the Table below this sub-rule shall not be made by the State Government except with the prior concurrence of the Central Government.

THE TABLE

1. Groundnut cakes (deoiled or expeller varieties).
2. Cottonseed deoiled cake meal (or extraction).
3. Rice bran deoiled cake meal (or extraction).
4. Maize deoiled cake meal (or extraction).
5. Cottonseed oilcake (or expeller).
6. Maize oilcake (or expeller).
7. Copra oilcake (deoiled or expeller varieties).
8. Cottonseed.
9. Meals, concentrates and compound feeds normally used as feed for livestock or poultry or both.
10. Fodders, including bhoosa, husks, karbi, chuni, brans and pollards, chari, grass, hay, guarseed and guarmeal.

(6) If it appears to the Central Government or the State Government that in the interests of the defence of India and civil defence, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, that Government may by order authorise any person or body of persons (hereinafter referred to as the authorised controller) to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order; and so long as an order made under this sub-rule is in force with respect to any undertaking or part of an undertaking —

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government or the State Government, so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking, or part shall comply with any such directions.

(7) The Central Government, so far as it appears to it to be necessary or expedient for securing the defence of India and civil defence or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, may direct the employment of persons subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), —

(a) in any public utility service as defined in section 2 of the Industrial Disputes Act, 1947 (14 of 1947), or

(b) in any undertaking or part thereof, —

(i) which is being carried on by the Central Government or a State Government, or

(ii) which, in the opinion of the Central Government, is engaged in any trade or business essential to the life of the community, or

(iii) with respect to which an order made under sub-rule (6) is in force;

and thereupon it shall be the duty of every person so subject to obey any command given by any superior officer in relation to such employment and every such command shall be deemed to be a lawful command within the meaning and for the purpose of the Air Force Act, 1950, the Army Act, 1950, or the Navy Act, 1957, as the case may be.

(8) A direction under sub-rule (7) may be made with or without the consent of the person carrying on the undertaking or part thereof to which the direction relates but if made without his consent shall be communicated to such person who shall thereupon be deemed to have contravened an order made under this rule if he obstructs or fails to facilitate the employment of persons subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), in pursuance of the direction.

(9) Any articles or things seized under the authority of any order made under clause (q) of sub-rule (3) shall be conveyed without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit, so, however, that where no prosecution is instituted for a contravention of the order in respect of the articles or things seized within a period in his opinion reasonable and no action is taken for adjudging forfeiture of the articles or things under sub-rule (10), the Magistrate shall direct their return to the person from whom they were seized; and subject to the foregoing provisions of this sub-rule, the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as they may be applicable, apply to any search or seizure under the authority of any such order as they apply to any search or seizure under Chapter VII of that Code.

(10) Where any articles or things are seized under the authority of an order relating to cotton cloth or yarn and the order provides for the forfeiture of articles or things in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency-town in which the articles are seized, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the State Government, be final:

Provided that an adjudication of forfeiture under this sub-rule shall be no bar to the prosecution or punishment of any person under the provisions of sub-rule (11).

(11) (a) If any person contravenes any provision of this rule or any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that if any person contravenes any order made under this rule by resorting to any corrupt practice or other *mala fide* action or by influencing any person to abuse his authority, he shall be punish-

able with imprisonment for a term which may extend to seven years, or with fine, or with both.

(b) If any order made under this rule so provides, any Court trying a contravention of the order may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to Government.

Provided that where an order made under this rule relating to foodstuffs so provides, any Court trying a contravention of the order may also direct that all packages, coverings, or receptacles in which such foodstuff are found and every animal, vehicle vessel or other conveyance used in carrying such foodstuffs shall be forfeited to Government.

115. Management of essential undertakings.—(1)
In this rule, "undertaking" means —

(a) any undertaking (including an undertaking vested in, or controlled or managed by, a local authority) which is engaged in the production, generation, supply, distribution or provision of water, transport, fuel, light, electricity or other power or any other thing or service which is notified by the Government as essential to the life of the community;

(b) any system of public conservancy and sanitation and any hospital or dispensary;

and also includes any part of property of an undertaking.

(2) If it appears to the Central Government or the State Government that for maintaining supplies and services essential to the life of the community, it is necessary to take over the management of any undertaking, that Government may, by notified order, authorise any person or body of persons to take over the management of any undertaking specified in the order and thereupon such undertaking shall be managed in accordance with the provisions of that order.

(3) Any notified order issued under sub-rule (2) shall have effect, unless it is cancelled earlier for such period as may be specified in the order or where no such period is specified, for the period of operation of the Act:

Provided that if the Government is of opinion that it is expedient in the public interest so to do, it may from time to time extend the period of operation of an order issued under sub-rule (2) for such period as may be specified by a subsequent order, but in no case extending beyond the period of operation of the Act.

(4) On the issue of a notified order under sub-rule (2) authorising the taking over of the management of an undertaking, —

(a) all persons in charge of the management (whether known as managers, directors or by any other designation) of that undertaking immediately before the issue of the notified order, shall be deemed to have vacated their offices as such;

(b) any statutory or other authority in charge of the management of such an undertaking shall cease to exercise any powers of management in relation thereto and the Government may, by that or any other order, make such provisions in relation to that authority as it may deem fit;

(c) any contract of management between the undertaking and any director thereof holding office as such immediately before the issue of the notified order shall be deemed to have been terminated;

(d) the person or body of persons authorised under sub-rule (2) to take over the management shall take all such steps as may be necessary to take into his or their custody or control all the property, effects and actionable claims to which the undertaking is or appears to be entitled, and all the property and effects of the undertaking shall be deemed to be in the custody of the person or, as the case may be, the body of persons as from the date of the notified order;

(e) the persons, if any, authorised under sub-rule (2) to take over the management of an undertaking which is a company shall be for all purposes the directors of the undertaking duly constituted under the Companies Act, 1956 (1 of 1956), shall alone be entitled to exercise all the powers of the directors of the undertaking, whether such powers are derived from the said Act or from the memorandum or articles of association of the undertaking or from any other source.

(5) Subject to the other provisions of this rule and to the direction and control of the Central Government or the State Government, as the case may be, the person or body of persons authorised to take over the management of an undertaking shall take such steps as may be necessary for the purpose of efficiently managing the functions of the undertaking and shall exercise such other powers and have such other duties as may be specified in the notified order under sub-rule (2).

(6) The person or body of persons authorised under sub-rule (2) shall (notwithstanding anything contained in the memorandum or articles of association of the undertaking if it is a company), exercise his or their functions in accordance with such directions as may be given by the Government so, however, that he or they shall not have any power to give any other person any directions under this sub-rule inconsistent with the provisions of any Act or instrument determining the functions of the authority carrying on the undertaking except in so far as they may be specifically provided by the notified order under sub-rule (2),

(7) No person who ceases to hold any office by reason of the provisions contained in clause (a) of sub-rule (4) or whose contract of management is terminated by reason of the provisions contained in clause (c) of that sub-rule and no authority who ceases to exercise any powers by reason of the provisions contained in clause (b) of that sub-rule, shall be entitled to any compensation for the loss of office or for the premature termination of his contract of management or for the cesser of the powers of management, as the case may be:

Provided that nothing contained in this sub-rule shall affect the right of any such person or authority to recover from the undertaking monies recoverable otherwise than by way of such compensation.

(8) Where the management of an undertaking, being a company as defined in the Companies Act, 1956 (1 of 1956), is taken over by the Central Go-

vernment, then, notwithstanding anything contained in the said Act or in the memorandum or articles of association of such undertaking, —

(a) it shall not be lawful for the shareholders of such undertaking or any other person to nominate or appoint any person to be a director of that undertaking;

(b) no resolution passed at any meeting of the shareholders of such undertaking shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of such undertaking or for the appointment of a receiver in respect thereof shall lie in any Court except with the consent of the Central Government;

and subject to the provisions aforesaid and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Companies Act, 1956, shall continue to apply to such undertaking in the same manner as it applied thereto before the issue of the notified order under sub-rule (2).

(9) If at any time it appears to the Central Government or the State Government, as the case may be, that the purpose of the order made under sub-rule (2) has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Central Government or the State Government, as the case may be, may, by notified order, direct that the order made under sub-rule (2) shall stand cancelled with effect from such date as may be specified therein and on the cancellation of the order made under sub-rule (2), the undertaking shall be managed in accordance with the provisions of the Act or other instrument, if any, by which it was managed immediately before the issue of that order, so, however, that steps, if any, in relation to the management of the undertaking may be taken on the making of the order of cancellation under this sub-rule.

116. Shops trading in essential articles. — (1) In this rule, —

(a) "essential article" means an article which the Central Government, being of opinion that the maintenance of the supply thereof is essential to the life of the community, declares by order in writing to be an essential article;

(b) "essential business" means, —

(i) in relation to a wholesale establishment, wholesale trade in essential articles;

(ii) in relation to a shop, retail trade in Scheduled articles; and

(iii) in relation to a restaurant, the business of supplying meals or refreshments for consumption on the premises;

(c) "proprietor" of a wholesale establishment, shop or restaurant includes any person responsible for the management thereof;

(d) "restaurant" means any premises wherein is carried on, whether or not in addition to other forms of business, the business of supplying meals or refreshments to the public or a class of the public, for consumption on the premises;

(e) "Scheduled article" means an article specified in the Schedule to this rule, and includes an

article which the Central Government, being of opinion that the maintenance of the supply thereof is essential to the life of the community, declares by order in writing to be a Scheduled article;

(f) "shop" means any premises wherein any retail trade is carried on in Scheduled articles, whether or not in addition to retail trade in other articles and whether for the benefit of the public generally or of a class or classes of persons only;

(g) "wholesale establishment" means any premises wherein any wholesale trade is carried on in essential articles, whether or not in addition to wholesale trade in other articles, or wherein any essential articles are kept, whether or not in addition to other articles, for wholesale trade.

(2) The Central Government, if it considers it necessary for the purpose of maintaining supplies essential to the life of the community, may, be general or special order and subject to the provisions of any law for the time being in force relating to shop-hours, require the proprietor of a wholesale establishment, shop or restaurant to keep open the establishment, shop or restaurant for the conduct of the essential business thereof during such period or periods as may be specified in the order.

(3) No proprietor of a wholesale establishment, shop or restaurant shall close the wholesale establishment, shop or restaurant in contravention of any order made under sub-rule (2) or suffer the same to be closed.

(4) If a wholesale establishment, shop or restaurant is closed in contravention of sub-rule (3), the Central Government or any person authorised by it by general or special order in this behalf may cause the wholesale establishment, shop or restaurant to be opened and the essential business thereof to be carried on through such agency as it or he may think fit and at such prices as may be specified in the order, and may use or cause to be used all such force as may be necessary for the enforcement of this sub-rule.

(5) Where the essential business of a wholesale establishment, shop or restaurant is carried on in pursuance of an order under sub-rule (4), all stock-in-trade relevant to the essential business thereof may be sold or disposed of by the agency through which the essential business is carried on, and there shall be paid to the proprietor of the wholesale establishment, shop or restaurant a sum certified by the Central Government or by a person authorised by it in this behalf as representing the proceeds of the sale or disposal of such stock-in-trade less the amount of the cost of carrying on the essential business of the wholesale establishment, shop or restaurant and the sum so certified shall be final and shall not be called in question in any Court.

(6) Where the proprietor of a wholesale establishment, shop or restaurant does not close the wholesale establishment, shop or restaurant in contravention of an order made under sub-rule (2) but refuses to carry on the essential business thereof during the period or periods specified in such order, either absolutely or except on terms in excess of the normal, the wholesale establishment, shop or restaurant shall be deemed to be closed in contravention of sub-rule (3) for all the purposes of this rule.

(7) Any person who contravenes any of the provisions of this rule or any order made thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both:

Provided that where an order made under this rule so provides, any Court trying a contravention of the order may direct that any licence under which the offender holds the wholesale establishment, shop or restaurant shall stand revoked.

(8) Where the premises in which any wholesale establishment, shop or restaurant is located are held under a lease, and the lessee of such premises contravenes any provisions of this rule or any order made thereunder, the Court trying a contravention of this rule or any order made thereunder may, if the order so provides, direct that the lease of such premises shall stand determined and that the lessor shall have an instant right of re-entry therein.

THE SCHEDULE

1. Grains, pulses and flour and any foodstuffs made from any of them.

2. Sugar and gur.

3. Milk and milk-products.

4. Eggs.

5. Vegetable oils.

6. Vegetables and fruits, all sorts.

7. Meat, fish and poultry.

8. Spices.

9. Salt.

10. Kerosene oil.

11. Charcoal, steam-coal and fire-wood.

12. Matches.

13. Medicines.

14. Household soap.

15. Fodder, bran, pollard and oilcakes.

16. Clothes, cotton and woollen.

17. Footwear.

18. Lamps.

117. Special provisions for sugarcane. — (1) In this rule, —

(a) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912), or under any other law for the time being in force relating to co-operative societies;

(b) "crusher" means a crusher drawn by bullock or any other animal and engaged or ordinarily engaged in the crushing of sugarcane and includes any equipment for manufacturing gur, shakkar gul, jaggery rab or khandsari sugar;

(c) "factory" means any premises, including the precincts thereof in any part of which sugar is manufactured by vacuum pan process;

(d) "khandsari unit" means a unit engaged or ordinarily engaged in the manufacture of khandsari sugar from cane juice or rab;

(e) "power crusher" means a crusher working with the aid of diesel, electrical or steam power and engaged or ordinarily engaged in crushing sugarcane and extracting juice therefrom for the manufacture of gur, shakkar, gul, jaggery, rab or khandsari sugar;

(f) "reserved area" means any area where sugarcane is grown, reserved for a factory under clause 6(1) (a) of the Sugarcane (Control) Order, 1966;

(g) "year" means the year commencing on the first day of July and ending with the thirtieth day of June in the year next following.

(2) If the Central Government is of opinion that it is necessary or expedient so to do for regulating or increasing the supply of sugarcane or for securing the equitable distribution of sugarcane, if may, by order —

(a) direct that a power crusher, or a khandsari unit, or a crusher not belonging to a grower or body of growers of sugarcane shall not be worked except under and in accordance with a licence issued by the Central Government in that behalf;

(b) direct that in a reserved area —

(i) no sugarcane shall be purchased for crushing by a power crusher.

(iii) no sugarcane or sugarcane juice shall be purchased for crushing or for manufacture of gur, shakkar, gul, jaggery, rab or khandsari sugar as the case may be, by a crusher not belonging in a grower or body of growers of sugarcane or by a khandsari unit in the area.

except under and in accordance with a permit issued by the Central Government in that behalf:

Provided that where such a permit is issued, —

(i) the Central Government may require the permit-holder to purchase sugarcane or sugarcane juice only through a co-operative society of sugarcane growers where such a society exists, and to pay commission to the society on the sugarcane or sugarcane juice purchased through it at such rate as may be fixed by the Central Government,

(ii) the permit-holder shall not crush sugarcane or purchase sugarcane juice in excess of the quantity by the Central Government in the permit and shall work the power crusher khandsari unit or the crusher, as the case may be, only during such period or such hours as may be so specified;

(c) require the owner or other person in charge of a crusher not belonging to a grower or body of growers of sugarcane or a power crusher or a khandsari unit in a reserved area to shift it to such place outside the reserved area as may be specified by the Central Government for the purpose:

Provided that the factory for which the area is reserved undertakes to pay the cost of shifting as determined by the Central Government within such time as may be fixed by that Government on the basis of agreement between the parties in this behalf, or in the event of there being no such

agreement, on a fair and reasonable basis, after affording both parties an opportunity to make representations in writing as to the cost involved and the basis of calculation thereof;

(d) require persons engaged in the production, manufacture, supply or distribution of, or trade and commerce in sugarcane, sugarcane juice, sugar, gur, shakkar, gul, jaggery, rab or khandsari sugar, to maintain and produce for inspection such books accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order;

(e) provide for the grant or issue of licences or permits, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence or permit, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions and the adjudication of such forfeiture by such authority as may be specified in the order;

(f) provide for any incidental or supplementary matters for which the Central Government thinks it expedient for the purposes of the order to provide, including in particular, the entry into, search and inspection of premises, places or vehicles, seizure by a person authorised to make such search of any crusher, power crusher or khandsari unit in respect of which such person has reason to believe that a contravention of the order has been, is being, or is likely to be, committed and the rendering of such equipment inoperative by sealing or otherwise.

(3) (a) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(b) If any order made under this rule so provides, any court trying a contravention of the order may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to Government.

118. Avoidance of strikes and lock-outs. — (1) If in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, notwithstanding anything contained in any other provisions of these rules, the Central Government may, by general or special order, applying generally or to any specified area and to any undertaking or class of undertakings, make provision —

(a) for prohibiting, subject to the provisions of the order, a strike or lock-out in connection with any industrial dispute;

(b) for requiring employers, workmen, or both, to observe for such period as may be specified in the order such terms and conditions of employment as may be determined in accordance with the order:

Provided that no order made under clause (b) shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to

them at any time within three months proceeding the date of the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3) In this rule, —

(a) the expressions "employer", "lock-out", "industrial dispute" and "workman" shall have the meanings respectively assigned to them in section 2 of the Industrial Dispute Act, 1947 (14 of 1947);

(b) the expression "strike" means the cessation of work by a body of persons employed in any undertaking or class of undertakings referred to in sub-rule (1), acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes —

(i) refusal to work overtime where such work is necessary for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of such work.

119. Essential services. — (1) This rule applies to all employment under the Central Government or the State Government and to any employment or class of employment which the Central Government or the State Government, being of opinion that such employment or class of employment is essential for securing the defence of India and civil defence, the public safety, the maintenance of public order, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, may, by notification declare to be an employment of class of employment to which this rule applies.

Explanation. — For the purposes of this rule, "employment" includes employment of any nature, and whether paid or unpaid.

(2) (a) The Central Government or the State Government may, by general or special order, direct that any person or persons engaged in any employment to which this rule applies, shall not depart out of such area or areas as may be specified in such order.

(b) Any order issued under clause (a) shall be published in such manner as the Government making the order considers best calculated to bring it to the notice of the persons affected by the order.

(3) Any person engaged in any employment or class of employment to which this rule applies, who —

(a) disobeys any lawful order given to him in the course of such employment, or

(b) without reasonable excuse abandons any such employment or absents himself from work, or

(c) departs from any area specified in an order under sub-rule (2) without the consent of the authority making that order,

and any employer of any person engaged in an employment or class of employment to which this rule applies, who without reasonable cause,—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged causes the discontinuance of his employment,

shall be deemed to have contravened this rule.

Explanation 1.—The fact that a person apprehends that by continuing in his employment he may be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b).

Explanation 2.—A person abandons his employment within the meaning of clause (b), who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminate his employment without the previous consent of his employer.

(3) The Central Government or the State Government may by order regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment in which this rule applies.

(5) If any person contravenes any provision of this rule or of any order made under this rule, he shall be punishable, without prejudice to any action which may be taken against him under any other law for the time being in force with imprisonment for a term which may attend to one year or with fine, or with both.

120. Supply of energy under certain circumstances by the State Electricity Boards.—If in the opinion of the State Government a person who has been granted a licence under section 3 of the Indian Electricity Act 1910 (9 of 1910), or has been given a sanction under section 28 thereof is not able to accept any new or additional load required by any consumer, or to guarantee uninterrupted supply of power to any consumer for maintaining supplies and services essential to the life of the community, the State Government may, by order in writing, direct the State Electricity Board constituted in the State under the Electricity (Supply) Act, 1948 (54 of 1948), to supply electrical energy to such consumer.

PART XIII

Transport

121. Control of traffic at ports and aerodromes.—(1) Without prejudice to any order made under any of these rules the Central Government may by order make provision—

(a) for prohibiting, restricting or otherwise controlling the shipping or unshipping of persons, animals, or goods or any specified class of persons, animals or goods;

(b) for prohibiting, restricting or otherwise controlling the embarking on or putting on board aircraft, or the disembarking or unloading from aircraft, of persons, animals or goods, or any specified class of persons, animals or goods;

(c) generally for regulating, facilitating or expediting any form of traffic at or in or in the vicinity of any port or aerodrome.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

122. Congestion of traffic at ports and aerodromes and on railways.—(1) The appropriate authority may, for the purpose of preventing or avoiding any undue congestion at any port or aerodrome or on any railway premises, cause to be removed therefrom, and kept at such places as that authority thinks proper, any goods which are not removed with reasonable despatch by or on behalf of the consignee.

(2) The appropriate authority may, for the purpose of facilitating the quick carriage of defence materials or supplies essential to the life of the Community, or preventing or avoiding any undue congestion at railway premises, unload at destination any goods from wagons without any notice to the consignees and keep such goods in such places, whether covered or open, as may be feasible under the circumstances.

(3) The appropriate authority may, for the purpose of facilitating the quick carriage of defence materials or supplies essential to the life of the community, unload and detain at any intermediate station any goods or animals carried by railway and may sell them by public auction after giving fifteen days' notice of such auction to the person appearing to the appropriate authority to be entitled to the goods or animals:

Provided that in the case of perishable goods such notice shall be given only if practicable and may be for a period shorter than 15 days.

(4) Out of the proceeds of the sale under sub-rule (3), the railway administration may retain a sum equal to the charge due to it in respect of the goods or animals and the expenses of and incidental to the sale, rendering the surplus, if any, of the proceeds to the person entitled thereto.

(5) The cost of the unloading, removal and custody of any goods under sub-rules (1) and (2) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purpose of such recovery shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).

(6) For the purposes of this rule, the expression "appropriate authority" means,—

(a) in respect of a port, the port authority of the port, or any person authorised by that authority or by the Central Government in this behalf;

(b) in respect of an aerodrome, the Director General of Civil Aviation;

(c) in respect of any railway premises, the officer authorised in this behalf by the railway administration concerned.

(7) The provisions of sub-rules (2), (3) and (4) shall apply in such areas and for such periods as the Central Government may, by notified order, specify.

123. Handling and conveyance of ammunition, etc.—(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of India and civil defence, or the efficient

conduct of military operations, or for maintaining supplies essential to the life of the community, the Central Government may by notified order declare that such restrictions imposed by or under any law for the time being in force as may be specified in the order shall not apply to the loading, unloading, handling, storage, conveyance or importation of ammunition, explosives or inflammable substances in the service of the Union, or under instructions given on behalf of Government, or for purposes of defence, or in such other circumstances, as may be specified in the order.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety, for regulating the loading, unloading, handling, storage and conveyance of ammunition, explosives and inflammable substances to which the declaration applies.

(3) The Chief Inspector of Explosives in India may, if it appears to him necessary or expedient so to do for any of the purposes mentioned in sub-rule (1), authorise in special cases the relaxation or modification of any restrictions imposed by or under any law on the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances.

(4) If any person contravenes any order made under sub-rule (2), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

124. Vehicles belonging to the Central Government.—(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of India and civil defence, or the efficient conduct of military operations, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central Government in the Ministry of Defence or which is otherwise in the service of Government for purposes of defence or which is engaged in any such work as may be specified by the Central Government.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which or the qualifications or conduct of the driver or person in charge to whom, the declaration applies.

125. Control of road and water transport.—(1) In this rule,—

(a) “animal” means any animal used, or capable of being used, for the transport of persons or goods;

(b) “vehicle” means any vehicle used or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise, and includes a tramcar and a trolley-vehicle;

(c) “water transport” means transport on inland water-ways or tidal waters or along the coast and

includes transport by sea in country craft to any place whether within or outside India.

(2) Without prejudice to any other provision of these rules, the Central Government or the state Government may by general or special order —

(a) regulate, restrict or give directions with respect to, the use of any animal or vehicle for the purpose of road transport, or the sale or purchase of any animal or vehicle;

(b) require any person owning, or having in his possession or under his control, any animal or vehicle to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such animal or vehicle and require such return to be verified in such manner as may be specified in the order;

(c) require any person owning, or having in his possession or under his control, any animal or vehicle to give notice in such manner as may be specified in the order before disposing thereof or allowing it to pass out of his possession or control;

(d) require any person owning, or employed in connection with, or having in his possession or under his control, any animal or vehicle to comply with any directions given by any person specified in, or duly authorised in pursuance of, the order; and such directions may require the person owning, or employed in connection with, or having in his possession or under his control, any animal or vehicle to use such animal or vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;

(e) prescribe the conditions subject to which, and the rates at which, any animal or vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;

(f) provide for prohibiting or restricting the carriage of persons or goods of any class by road, and for prescribing the radius or distance within which persons or goods of any class may be carried by road;

(g) provide for prohibiting any person or class of persons from travelling by any vehicle or class of vehicles;

(h) provide for the giving of directions with respect to the carriage of persons or goods on any particular vehicle, or by any particular route, or to any particular clearing house or depot;

(i) provide for prohibiting or restricting the carriage of persons or goods by any vehicle or class of vehicles, either generally or between any particular places or on any particular route;

(j) provide for the regulation of the priority in which persons and goods are to be carried by road, and vehicles are to be used for the purpose of road transport;

(k) make such other provisions in relation to road transport as appear to that Government to be necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community.

(3) If any police officer or any other person authorised by the Central Government or the State Government in this behalf has reason to believe that any animal or vehicle is or is kept, in or upon any building, land or other premises, or is being used by any person in contravention of an order made under sub-rule (2), such officer or person may —

(i) enter and search such building, land or other premises, and seize any animal or vehicle found therein or thereon which he suspects to be therein or thereon in contravention of the order;

(ii) stop such person and seize any animal or vehicle which is being used in contravention of the order.

(4) The Central Government or the State Government may declare any animal or vehicle seized in pursuance of sub-rule (3) to be forfeited to Government and thereupon such animal or vehicle shall be disposed of in such manner as may be ordered by that Government.

(5) The provisions of sub-rules (2), (3) and (4) shall also apply in relation to water transport and vessels used or capable of being used for the purpose of water transport as they apply in relation to road transport and vehicles.

(6) Notwithstanding anything contained in sub-rule (2) and sub-rule (5), any order which has the effect of prohibiting, restricting or otherwise regulating the movement or transport of any article specified in the Table below to this sub-rule shall not be made by the State Government except with the prior concurrence of the Central Government.

THE TABLE

1. Foodstuffs.
2. Edible oilseeds and oils.
3. Groundnut cakes (deoiled or expeller varieties).
4. Cottonseed deoiled cake meal (or extraction).
5. Rice bran deoiled cake meal (or extraction).
6. Maize deoiled cake meal (or extraction).
7. Cottonseed oilcake (or expeller).
8. Maize oilcake (or expeller).
9. Copra oilcake (deoiled or expeller varieties).
10. Cottonseed.
11. Meals, concentrates and compound foods normally used as food, for livestock or poultry or both.
12. Fodders, including bhoosa, husks, karbi, chuni, brans and pollars, chari, grass, hay, guarseed and guarmeal.

(7) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

PART XIV

Imports and Exports

126. Power to prohibit or restrict import and export of goods. — (1) Words and expressions used in this rule shall have the same meaning as in the Imports and Exports Control Act, 1947 (18 of 1947), the Imports (Control) Order, 1955 and the Exports (Control) Order, 1968.

(2) The Central Government may, by notified order, prohibit or restrict the import or export of all goods or goods of any specified description from or to any specified person or class of persons.

(3) The Central Government may, by notified order, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made by under the order, —

(a) the import, export, carriage coastwise or shipment or ship stores of all goods or goods of any specified description;

(b) the shipment of fresh water on sea going vessels;

(b) the shipment of fresh water on sea going vessels;

(c) the bringing into any port or place in India of goods of any specified description intended to be taken out of India without being removed from the ship or conveyance in which they are being carried.

(4) All goods to which any order under sub-rule (2) or sub-rule (3) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 11 of the Customs Act, 1962 (52 of 1962) and all the provisions of that Act shall have effect accordingly.

(5) Notwithstanding anything contained in the Customs Act, 1962 (52 of 1962), the Central Government may, by notified order, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad of any goods or class of goods imported into India.

(6) If any person contravenes any order made under this rule (including any condition of a licence granted under any such order), he shall, without prejudice to any confiscation or penalty, to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962), as applied by sub-rule (4), be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

127. Smuggling. — (1) No person shall acquire possession of or in any way be concerned in carrying, removing, depositing, harbouring, keeping, concealing, selling or purchasing or in any other manner dealing with or financing any goods (including coins and currency, whether Indian or foreign, and foreign exchange) which have been or are attempted to be brought into or taken out of India, in contravention of the prohibitions or restrictions for the time being in force under the provisions of, or by virtue of, the Customs Act, 1962 (52 of 1962) or any order under rule 126.

(2) (a) Where any goods to which this sub-rule applies are seized in the reasonable belief that they have been smuggled into India in contravention of the prohibitions or restrictions aforesaid, the burden of proving that they are not smuggled goods shall be on the person from whose possession the goods were seized.

(b) This sub-rule shall apply to gold, diamonds, manufactures of gold or diamonds, watches and any other class of goods which the Central Government may by notified order specify.

(3) No person shall, in relation to any goods which are entered at or brought to be passed through

a customs station as defined in the Customs Act, 1962 (52 of 1962), either for importation or exportation, give a false or wrong declaration with regard to their sort, quality, quantity or value, in the bill of entry or application presented for passing them, or be in any way concerned with such false or wrong declaration.

(4) If any person contravenes any of the provisions of this rule, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962) be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(5) Notwithstanding the provisions of rule 188, no Court or Tribunal shall take cognizance of any offence under this rule except on a complaint being made by a Collector of Customs or of Central Excise or of Land Customs.

PART XV

Financial provisions

128. Prohibitions regarding coins and notes.—(1)
In this rule,—

(i) the expression “coin” means coin which is legal tender under the Indian Coinage Act, 1906 (3 of 1906);

(ii) the expression “note” means a Reserve Bank of India note or a Government of India one rupee note issued under the Currency Ordinance, 1940 (4 of 1940);

(iii) the expression “small coin” means any coin other than a rupee.

(2) No person shall,—

(a) buy or sell, or offer to buy or sell, for an amount other than its face value, any coin or note; or

(b) accept or offer to accept in payment of a debt, or otherwise, any coin or note for an amount other than its face value; or

(c) refuse to accept, in payment of a debt or otherwise, any coin or note; or

(d) acquire coin to an amount in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or (branch of the State Bank of India or of any of its subsidiaries doing treasury business or having small coin deposits) shall be determined by the officer in charge of such Currency Office, Treasury Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceedings; or

(e) possess small coins in any amount in excess of his personal or business requirements for the time being.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

129. Regulation of dealings in securities.—(1)
No person shall buy or sell or offer to buy or sell, whether on behalf of himself or of any other person

any securities at less than such prices as the Central Government may notify in this behalf.

(2) For the purposes of regulating contracts in securities or for any other purposes connected therewith or ancillary thereto, the Central Government may issue to any individual or any body of individuals constituted for the purpose of assisting, regulating, or controlling the business of buying, selling or otherwise dealing in securities, whether incorporated or not and whether recognised or not, such directions as the Central Government may deem fit and any person to whom or in relation to whom any directions are issued shall be bound to comply with such directions.

(3) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or both.

Explanation.—For the purposes of this rule, “securities” shall include:

(a) Government securities as defined in section 2 of the Public Debt Act, 1944 (18 of 1944);

(b) shares, scrips, stocks, bonds, debentures, debenture-stock or other marketable securities of a like nature in or of any incorporated company or other body corporate; and

(c) rights or interests in securities.

PART XVI

Control of trading with enemy

130. Definition.—In this Part, unless the context otherwise requires, the expression “enemy” means—

(a) any person or country committing external aggression against India, or

(b) any individual resident in enemy territory, or

(c) any body of persons constituted or incorporated in enemy territory, or in, or under the laws of, a State which has committed external aggression against India, or

(d) any body of persons, whether incorporated or not, carrying on business in any place, if and so long as the body is controlled by a person who, under this rule, is an enemy, or

(e) as respects any business carried on in enemy territory, any individual or body of persons, whether incorporated or not, carrying on that business, or

(f) any person to whom the Registration of Foreigners Act, 1939 (16 of 1939), and the Foreigners Act, 1946 (31 of 1946), apply by virtue of section 2 of the Foreigners Law (Application and Amendment) Act, 1962 (42 of 1962), and who is either—

(i) arrested under the Foreigners (Internment) Order, 1962; or

(ii) declared by the Central Government to be an enemy, or

(g) any other person or body of persons declared by the Central Government to be an enemy on the ground that such person or body of persons is engaged in any financial, contractual, commercial or other intercourse or dealings with any

country, person or body of persons referred to in clauses (a) to (e) of this rule.

131. Prohibition of trading with the enemy. — (1) For the purposes of this Part, a person shall be deemed to have traded with the enemy if he has had any commercial, financial or other intercourse or dealings with or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has —

(i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or

(ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or

(iii) performed any obligation to, or discharged any obligation of an enemy, whether the obligation was undertaken before or after the commencement of the Act.

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has —

(a) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the Central Government, or

(b) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had already been performed when payment was received and had been performed at a time when the person from whom the payment was received was not an enemy.

(2) Any reference in this rule to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(3) Any person who trades with the enemy shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

(4) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched or addressed to a person in enemy territory shall, unless the contrary is proved, by evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.

132. Control of rights, etc., in respect of trading with the enemy. — No transaction which constitutes an offence of trading with the enemy shall, except to such extent as the Central Government may by general or special order regulate, be effective so as to confer any rights or remedies on the parties to such transaction or on any person claiming under them.

133. Power to appoint Controllers, etc., of Enemy Trading. — The Central Government may, either generally or for any particular area, appoint one or more Controllers, Deputy Controllers and Inspectors, of Enemy Trading, for securing compliance with the provisions of this Part, and may, by general or special order, provide for the distribution and allocation

of the work to be performed by them under these rules.

134. Powers of Controllers, etc., of Enemy Trading. — (1) If a Controller, or Deputy Controller, of Enemy Trading has reasonable cause to believe that an offence punishable under rule 131 has been, or is likely to be, committed he may —

(a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,

(b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller or Deputy Controller, as the case may be, may demand, and for the purposes aforesaid, may —

(i) enter and search, or authorise a police officer not below the rank of Sub-Inspector to enter and search, any premises used for the purposes of the said business.

(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing, and

(iii) if any person so summoned fails to appear at the time appointed cause him to be apprehended by a police officer and brought before him for examination.

(2) A Controller, or Deputy Controller, of Enemy Trading may by order in writing delegate his powers in any particular case to an Inspector of Enemy Trading.

135. Supervision of suspected business. — If in order to secure compliance with the provisions of this Part the Central Government considers it expedient so to do, it may by order direct that the business of any person (hereinafter referred to as the suspected person) shall be subjected to supervision; and, thereupon a Controller of Enemy Trading and any person authorised by a Controller in this behalf shall have in relation to that business —

(a) all the powers mentioned in rule 134,

(b) the power to prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person, and

(c) such other powers as may from time to time be conferred on him by the Central Government.

136. Penalty for failure to comply with orders of Controllers, etc. — If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Trading, or any person authorised by a Controller, under rule 135, that person shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

137. Penalty for concealment, destruction, etc., of books or documents. — If any person with intent to evade the provisions of this Part, conceals, destroys, mutilates, or defaces any book or other document, that person shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

PART XVII

Control of enemy firms

138. Definitions.—In this Part, unless the context otherwise, requires,—

(1) "appointed day" means the date immediately preceding the date of the Proclamation of Emergency;

(2) "enemy currency" means any such note or coins as circulate as currency in any enemy territory or any such other notes or coins as are for the time being declared by an order of the Central Government to be enemy currency;

(3) "enemy firm" means —

(a) any enemy subject who is, or at any time subsequent to the appointed day was carrying on any business in India, or

(b) any firm, whether constituted in India or not, of which any member or officer is, or at any time subsequent to the appointed day was an enemy subject, and which is, or at any time, subsequent to the appointed day was carrying on business in India, or

(c) any company, whether incorporated in India or not, of which any officer is, or at any time subsequent to the appointed day was an enemy subject, and which is, or at any time subsequent to the appointed day was carrying on business in India, or

(d) any person or body of persons, whether incorporated or not who or which in the opinion of the Central Government is, or at any time subsequent to the appointed day was carrying on business in India —

(i) under the control, whether direct or indirect, of any enemy subject, or

(ii) wholly or mainly for the benefit of enemy subjects generally or any class of enemy subjects or any individual enemy subject;

(4) "enemy property" means any property for the time being belonging to or held or managed on behalf of an enemy as defined in rule 130, an enemy subject or an enemy firm:

Provided that where an individual enemy subject dies in India, any property which, immediately before his death, belonged to or was held by him, or was managed on his behalf, may notwithstanding his death continue to be regarded as enemy property for the purposes of rule 151;

(5) "enemy subject" means —

(a) any individual who possess the nationality of a State which has committed external aggression against India, or having possessed such nationality at any time has lost it without acquiring another nationality, or

(b) any body of persons constituted or incorporated in or under the laws of such State;

(6) "securities" includes shares, stocks, bonds, debentures and debenture stocks, but does not include bills of exchange.

139. Prohibition of trade with enemy firms and purchase of enemy currency. — (1) No person shall, directly or indirectly, —

(a) advance money to, or enter into any contract with, any enemy firm; or

(b) pay any sum of money to, or for the benefit of, an enemy firm; or

(c) give any security for the payment of any debt or any other sum of money for the benefit of an enemy firm; or

(d) act on behalf of an enemy firm in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument; or

(e) accept, pay, or otherwise deal with, any negotiable instrument which is held by, or on behalf of, an enemy firm; or

(f) enter into any new transaction, or complete any transaction already entered into, with an enemy firm in respect of any stocks, shares or other securities; or

(g) make or enter into any new policy of contract of insurance (including re-insurance) or accept or give effect to any insurance of any risk arising under a policy or contract of insurance (including re-insurance) made or entered into with, or for the benefit of, an enemy firm; or

(h) supply to, or for the use or benefit of, or obtain from, an enemy firm, any goods, wares or merchandise or trade in or carry any goods, wares or merchandise destined for any enemy firm; or

(i) enter into any other commercial or financial obligation or contract with, or for the benefit of, an enemy firm.

(2) In any proceeding arising out of a contravention of clause (e) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention he had no reasonable ground for believing that the negotiable instrument was held by or on behalf of an enemy firm.

(3) No person shall, directly or indirectly, purchase enemy currency.

(4) Nothing in this rule shall be deemed to prohibit anything expressly permitted by or under the authority of the Central Government.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

140. Power to appoint Controllers, etc., of Enemy Firms. — The Central Government may, either generally or for any particular area, appoint one or more Controllers, Deputy Controllers and Inspectors, of Enemy Firms, for securing compliance with the provisions of this Part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these rules.

141. Powers of Controllers, etc., of Enemy Firms. — If a Controller, Deputy Controller or Inspector, of Enemy Firms has reasonable cause to believe

that an offence punishable under rule 139 has been, or is likely to be, committed, he may —

(a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,

(b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller, Deputy Controller or Inspector, as the case may be, may demand, and for the purposes aforesaid, may —

(i) enter in or on any premises used for the purposes of the business,

(ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,

(iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

142. Supervision of suspected business. — If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector, of Enemy Firms may for the purposes of such supervision exercise all or any of the powers mentioned in rule 141, and such other powers as may from time to time be conferred on him by the Central Government.

143. Supervision of firms suspected to be enemy firms. — (1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision, he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector, of Enemy Firms may —

(a) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule 141;

(b) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;

(c) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;

(d) himself carry on the business of the firm, if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose.

144. Penalty for failure to comply with orders of Controller, etc. — If any person contravenes any order lawfully given by any Controller, Deputy Controller or Inspector, of Enemy Firms, that person shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

145. Penalty for concealment, destruction, etc., of books or documents. — If any person with intent to evade the provisions of this Part, conceals, destroys, mutilates or defaces any book or other document which a Controller, Deputy Controller, or Inspector, of Enemy Firms is empowered under rule 141 or rule 142 to inspect, that person shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

146. Contracts with enemy firms. — Where it appears to the Central Government that a contract entered into, whether before or after the commencement of the Act, with a person or body of persons who at the time of such contract was or subsequent to such contract became, an enemy as defined in rule 130 or an enemy subject, or an enemy firm is injurious to the public interest, or was entered into with a view to evading the provisions of this Part, the Central Government may by order cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

147. Transfer of property to or by enemy firms. — (1) Where it appears to the Central Government that a transfer of property, movable or immovable, made, whether before or after the commencement of the Act, to or by a person or body of persons who at the time of such transfer was, or subsequent to such transfer became, an enemy as defined in rule 130 or an enemy subject or an enemy firm is injurious to the public interest or was made with a view to evading the provisions of this Part, the Central Government may, by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part, or may impose such conditions on the transferee as it thinks fit.

(2) On the making of an order under sub-rule (1) declaring any transfer, subsequent transfer or sub-transfer, of any property to be void, that property shall, with effect from the date of the order, be deemed to be re-vested in the original transferer.

148. Transfer and allotment of securities to or by enemy firms. — (1) If any securities are transferred by, or allotted or transferred to, an enemy firm, then, except with the sanction of the Central Government, the transferee or allottee shall not by virtue of the transfer or allotment have any rights or remedies in respect of the securities; and no body corporate by which the securities were issued, or are managed, shall take cognizance of, or otherwise act upon, any such transfer except under the written authority of the Central Government.

(2) No share warrants, stock certificates, or bonds shall be issued, payable to bearer, in respect of securities registered or inscribed in the name of an enemy firm or of a person acting on behalf, or for the benefit, of an enemy firm.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with

imprisonment for a term which may extend to six months, or with fine, or with both.

149. Transfer of negotiable instruments and actionable claims by enemy firms. — (1) No transfer of a negotiable instrument or an actionable claim by or on behalf of an enemy firm nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

(2) If any person by payment or otherwise purports to discharge any liability from which he is relieved by sub-rule (1) knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both:

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being a court in India or in a State committing external aggression against India, and would be enforced against him by such an order.

(3) Where a claim in respect of a negotiable instrument or an actionable claim is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under sub-rule (2), that person may pay into a competent civil court any sum which, but for the provisions of sub-rule (1), would be due in respect of the claim and thereupon the payment shall for all purposes be a good discharge to that person.

150. Power to carry on business of enemy firm. —

(1) Where it appears to the Central Government that the control or management of an enemy firm has been, or is likely to be, so affected by external aggression as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on, the Central Government may by order authorise a person to carry on the trade for business in such manner and to such extent as may be prescribed.

(2) While a person authorised under sub-rule (1) is carrying on the trade or business of any enemy firm, —

(a) such person shall be deemed to be acting as the agent of the firm and, subject only to such restrictions as the Central Government may impose shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm:

Provided that any person having any commercial, financial or other intercourse or dealings with such person while so acting, shall not, merely by reason of such intercourse or dealings, be deemed to have contravened the provisions of rule 131 or rule 139;

(b) such person shall be entitled to the management of the affairs of the firm to the exclusion of any other person acting or purporting to act

on behalf of the firm, and for the purposes of such management shall be entitled to employ such staff or other agency as he thinks fit;

(c) such person shall not, in respect of such matters relating to the said management as may be specified by order of the Central Government be bound by any obligation or limitation imposed on him as agent of the firm by or under any law, instrument or contract;

(d) such person shall be entitled to retain out of the assets of the firm all costs, charges and expenses of, or incidental to, the said management, and such remuneration as may be prescribed; and

(e) the firm shall not have the right of control the carrying of the trade or business.

(3) No person authorised under sub-rule (1) to carry on the trade or business of an enemy firm shall be personally liable for acts done by him in good faith in the course of management of such trade or business.

(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporated or not, which is an enemy as defined in rule 130 and which is, or at any time subsequent to the appointed day was carrying on business in India, as they apply in relation to an enemy firm.

151. Collection of debts of enemy firm and custody of property. — (1) With a view to preventing the payment of monies to an enemy firm and preserving enemy property, the Central Government may appoint a Custodian of Enemy Property for India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed and may by order —

(a) require the payment to the prescribed custodian of money which would but for these rules be payable to or for the benefit of an enemy firm; or which would, but for the provisions of rule 146 and rule 149 be payable to any other person and upon such payment the said money shall be deemed to be property vested in the prescribed custodian;

(b) vest, or provide for or regulate the vesting, in the prescribed custodian such enemy property as may be prescribed;

(c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian;

(d) confer and impose on the custodian and on any other person such rights, powers, duties and liabilities as may be prescribed as respects —

(i) property which has been, or is required to be, vested in a custodian by or under the order,

(ii) property of which the right of transfer has been, or is required to be, so vested,

(iii) any other enemy property which has not been, and is not required to be, so vested,

(iv) money which has been, or is by the order required to be, paid to a custodian;

(e) require the payment of the prescribed fees to the custodian in respect of such matters

as may be prescribed and regulate the collection of and accounting for such fees;

(f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order,

and any such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(2) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under sub-rule (1) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under sub-rule(1), —

(a) any money is paid to a custodian, or

(b) any property, or the right to transfer any property, is vested in a custodian, or

(c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule(1) applies,

neither the payment, vesting nor order of the custodian nor any proceedings in consequence thereof, shall be invalidated or affected by reason only that at a material time —

(i) some person who was or might have been interested in the money or property, and who was an enemy firm, had died or had ceased to be an enemy firm, or

(ii) some person who was so interested, and who was believed by the custodian to be an enemy firm, was not an enemy firm.

(4) In sub-rules (1), (2) and (3), the expression "custodian" includes a Deputy Custodian, and an Assistant Custodian, of Enemy Property and every reference to an enemy firm shall be construed as including a reference to a person who is an enemy as defined in rule 130.

(5) Where in pursuance of an order made under sub-rule (1), the assets of a company are vested in the custodian, no proceedings, civil or criminal, shall be instituted under the Companies Act, 1956 (1 of 1956), against the company or any director, manager or other officer thereof except with the consent in writing of the custodian.

(6) If any person pays any debt or deals with any property to which any order under sub-rule (1) applies otherwise than in accordance with the provisions of the order, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, and the payment or dealing shall be void.

(7) If any person without reasonable cause fails to produce or furnish, in accordance with the requirements of an order under sub-rule (1), any document or information which he is required under the

order to produce or furnish he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

152. Power to control and wind up certain business. — (1) In this rule, "enemy" means any person or body of persons who is for the time being an enemy as defined in rule 130.

(2) Where any business is being carried on in India by, or on behalf of or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Central Government to be associated with enemies, the Central Government may, if it thinks fit expedient so to do, make—

(a) an order (hereafter in this rule referred to as a "restriction order") prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order, or

(b) an order (hereafter in this rule referred to as a "winding up order") requiring the business to be wound up,

and the making of a restriction order as respects any business shall not prejudice the power of the Central Government, if it thinks it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(3) Where an order under sub-rule (2) is made as respects any business, the Central Government may, by that or a subsequent order, appoint a Supervisor to control and supervise the carrying out of the order, and, in the case of a winding up order, to conduct the winding up of the business and may confer on the Supervisor any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company (including power in the name of the person carrying on the business or in his own name and by deed or otherwise, to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the Supervisor such other powers as the Central Government thinks necessary or convenient for the purpose of giving full effect to the order.

(4) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be made in accordance with the rules as to preferential payments applicable to the distribution of the assets of company which is being wound up, but subject to such modifications, if any, as the Central Government may, by a general or special order prescribe in this behalf and the said assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who are neither enemies nor enemy subjects in priority to unsecured debts due to any other creditors, and any, balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Central Government may direct:

Provided that the provisions of this sub-rule shall, in their application to the distribution of any money or other property which would, in accordance with

those provisions, fall to be paid or transferred to an enemy, enemy subject or enemy firm, whether as a creditor or otherwise, have effect subject to the provisions of rule 151 and of any order made under that rule.

(5) Where any business for which a Supervisor has been appointed under this rule has assets in enemy territory, the Supervisor shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

(a) of the value of those assets;

(b) of the amount of any liabilities of the business to creditors, whether secured or unsecured who are enemies;

(c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under sub-rule (2) is in force as respects the business;

and where such an estimate is made, the said liabilities and claims shall, for the purposes of this rule, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business:

Provided that where the rights of any creditor of, or other person interested in, the business are vested in the Custodian of Enemy Property, nothing in this sub-rule shall affect the rights of the Custodian against the assets of the business in India unless such rights have been disclaimed by him.

(6) Where an estimate has been prepared under sub-rule (5), a certificate of the Supervisor as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business:

Provided that nothing in this sub-rule shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(7) The Central Government may, on an application made by a Supervisor appointed under this rule, after considering the application and any objections which may be made by any person who appears to the Central Government to be interested, by order grant the Supervisor a release, and an order of the Central Government under this sub-rule shall discharge the Supervisor from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as Supervisor, but any such order may be revoked by the Central Government on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(8) Where an order under sub-rule (2) has been made as respects a business carried on by any individuals or by a company, no insolvency petition against the individuals, or petition for the winding up of the company shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the

individuals or company taken, without the consent of the Central Government, but where the business is carried on by a company, the Central Government may present a petition for the winding up of the company by the Court, and the making of an order under sub-rule (2) shall be a ground on which the company may be wound up by the Court.

(9) Where an order is made under this rule appointing a Supervisor, for any business, any remuneration of, and any costs, charges and expenses incurred by, the Supervisor, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the Central Government, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon.

(10) If any person contravenes the provisions of any order made under sub-rule (2) he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

153. Power of Central Government to direct inspection of books and accounts of enemy companies under liquidation.— (1) Where any company constituted or incorporated in any enemy territory and carrying on business in any place in India is being wound up by the Court or where an application has been made to the Court for an order to sanction a compromise or arrangement in respect of any such company, the liquidator, or any Gazetted Officer of the Central Government, or both, may be authorised by the Central Government to make an inspection of the books, accounts and other documents of the company or to cause such inspection to be made under his or their supervision or control by such officer or officers as may be appointed by the liquidator where he alone is so authorised or by the Gazetted Officer aforesaid in any other case.

(2) On such inspection, the liquidator or the Gazetted Officer aforesaid or, as the case may be, both of them shall submit a report to the Central Government.

(3) If the Central Government, on consideration of the report, is of the opinion that it is necessary so to do, it may give suitable directions for the proper custody and preservation of the said books, accounts and other documents and for initiating such proceedings, civil or criminal, in relation to the conduct of affairs of the said company against such persons as may be deemed fit and proper that Government.

PART XVIII

Miscellaneous provisions

154. Powers relating to storage accommodation.—

(1) The competent authority may, by order in writing require the owner of any warehouse or cold storage depot or of any premises capable of being used for storage purposes (not being premises used for residential purposes), to place at his disposal the whole or any part of the space or accommodation available in such warehouse or cold storage depot or premises and to employ such space or accommodation for the storage of any articles or things specified in the order; and such an order may require the said owner

or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of any order made under sub-rule (1) any space or accommodation in a warehouse or cold storage depot or premises is placed at the disposal of the competent authority, the owner of such warehouse, cold storage depot or premises shall be paid therefor at such rates as the competent authority may, by order made in this behalf, determine, having regard to the usual rates paid for like space or accommodation by the competent authority or by any other person for similar space or accommodation during the twelve months immediately preceding the date of Proclamation of Emergency.

(3) The Central Government or the State Government may, with a view to obtaining any space or accommodation under sub-rule (1) or determining the compensation payable thereof, by order require any person to furnish to such authority as may be specified in the order such information in his possession as may be so specified.

(4) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(5) In this rule, 'competent authority' means 'the Central Government or the State Government or any person appointed by the Central Government or the State Government to exercise the powers of competent authority under this rule.'

155. Eviction of unauthorised persons from public premises. — (1) Where the Central Government is of opinion that any premises as defined in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), are required for any purpose connected with the defence of India and civil defence, the public safety or interest, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community, and the Central Government is satisfied that such premises are in unauthorised occupation as defined in that Act, the Central Government may, after recording the reasons for such satisfaction, make an order of eviction directing that the public premises shall be vacated by all persons who may be in occupation thereof or of any part thereof within such period as may be specified in the order.

(2) If any person refuses or fails to comply with the order of eviction within the period specified therein, any officer authorised by the Central Government in this behalf (hereafter in this rule referred to as the authorised officer) may evict that person from, and take possession of, the public premises and may for that purpose use such force as may be necessary.

(3) If any obstruction is offered or, in the opinion of the authorised officer, is likely to be offered, to the taking of possession of the public premises, the authorised officer may obtain necessary police assistance.

(4) Where any public premises of which possession is to be taken over is found locked or bolted from inside, the authorised officer may, in the presence of two witnesses, break open the lock or open

or cause to be opened any door, gate or other barrier and enter premises:

Provided that —

(i) as far as possible no entry shall be made into, or no possession shall be taken of, a public premises before sunrise or after sunset;

(ii) where any public premises are forced open, an inventory of the property and articles found in the premises shall be made in the presence of two witnesses and after giving not less than three days notice to the persons from whom possession of the public premises has been taken to remove the property and articles, the authorised officer may remove or cause to be removed or dispose of by public auction any property or articles remaining in such premises; and the sale proceeds, if any, shall, after deducting the expenses of the sale and the amount, if any, due to the Central Government on account of arrears of rent and damages, be deposited in the principal civil court of original jurisdiction in the district in which the premises are situated, for payment to such person or persons as are entitled to receive the same.

(5) If any person does not vacate the public premises in compliance with an order made under sub-rule (1), such person shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(6) Where any person in unauthorised occupation of any public premises has been evicted under this rule, then, without prejudice to any other law for the time being in force, damages may be recovered from that person for such unauthorised occupation in accordance with the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971).

156. Derelict articles. — (1) If any person finds any article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, prior to its loss or abandonment, it was used or intended to be used for the purposes of any armed force or was in the possession of a person who was serving with an armed force, the person so finding the article —

(a) shall report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of the Armed Forces of the Union on duty in the neighbourhood or to the officer in charge of a police station in the neighbourhood; or if the article is found outside India, shall take such steps as are practicable to secure that the nature and situation thereof are reported, or, if, the article is a document, that it is delivered as soon as may be, to some person in Government service; and

(b) shall not, save as aforesaid, remove or tamper with the article except with the permission of the Central Government.

(2) The Central Government may, by notified order, direct that the obligations and restrictions imposed by sub-rule (1) shall not apply in relation to any such description of articles as may be specified therein or as may be specified by a prescribed authority or person.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with

imprisonment for a term which may extend to six months, or with fine, or with both.

157. Prohibition against possession of military stores. — (1) No person shall obtain or keep in his possession any article of 'military stores' which term shall include articles intended for use in the equipment of, or for supply to, the Naval, Military and Air Forces, and any other Armed Forces of the Union, except when the article is issued to him lawfully in connection with the performance of his duty.

(2) If any person is found or is proved to have been in possession of any article of military stores he shall, if the Court sees reasonable grounds for believing such article to be or to have been the property of the Government, unless he proves that it came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

158. Migrant Property. — (1) In this rule, —

(i) 'migrant' means any individual who, at any time whether before or after the coming into force of these rules, has voluntarily migrated to an enemy territory or an occupied territory;

Explanation. — A person who at any time whether before or after the coming into force of these Rules, has moved into an enemy territory or an occupied territory without obtaining a passport under the Passports Act, 1967 (15 of 1967) or without any other lawful authority, shall be presumed to be a migrant;

(ii) 'migrant firm' means —

(a) any firm, whether constituted in India or not, of which any member or officer is a migrant and which is carrying on business in India, or

(b) any company, whether incorporated in India or not, of which any officer is a migrant and which is carrying on business in India, or

(c) any body of persons, whether incorporated or not, who or which, in the opinion of the Central Government, is carrying on business in India —

(1) under the control, whether direct or indirect, of a migrant, or

(2) wholly or mainly for the benefit of migrants generally or any class of migrants or any individual migrant;

(iii) 'migrant property' means any property for the time being belonging to, or held or managed on behalf of, a migrant or a migrant firm.

(2) With a view to preventing the payment of monies to a migrant and preserving migrant property, the Central Government may appoint a Custodian of Migrant Property for India and one or more Deputy Custodians and Assistant Custodians of Migrant Property for such local areas, as may be prescribed and may by order —

(a) require the payment to the prescribed custodian of money which would but for this rule be payable to or for the benefit of a migrant; or which would but for the provisions of sub-rule (8) and sub-rule (10) be payable to any other person and upon such payment the said money shall be deemed to be property vested in the prescribed custodian;

(b) vest, or provide for and regulate the vesting, in the prescribed custodian such migrant property as may be prescribed;

(c) vest in the prescribed custodian the right to transfer such other migrant property as may be prescribed, being migrant property which has not been, and is not required by the order to be, vested in the custodian;

(d) confer and impose on the custodian and on any other person such rights, powers, duties and liabilities as may be prescribed as respect —

(i) property which has been or is required to be, vested in a custodian by or under the order,

(ii) property of which the right of transfer has been, or is required to be, so vested,

(iii) any other migrant property which has not been, and is not required to be, so vested,

(iv) money which has been, or is by the order required to be, paid to a custodian;

(e) require the payment of the prescribed fees to the custodian in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;

(f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order,

and any such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(3) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under sub-rule (2) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(4) Where, in pursuance of an order made under sub-rule (2), —

(a) any money is paid to a custodian, or

(b) any property, or the right to transfer any property, is vested in a custodian, or

(c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule (2) applies,

neither the payment nor the vesting nor the order of the custodian nor any proceedings, in consequence thereof, shall be invalidated or affected by reason only that at a material time —

((i) some person who was or might have been interested in the money or property, and who was a migrant, had died or had ceased to be a migrant, or

(ii) some person who was so interested, and who was believed by the custodian to be a migrant was not a migrant.

(5) In sub-rules (2), (3), (4) and (12), the expression "custodian" includes a Deputy Custodian, and an Assistant Custodian, of Migrant Property.

(6) If any person pays any debt or deals with any property to which any order under sub-rule (2) applies otherwise than in accordance with the provisions of the order, he shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both, and the payment or dealing shall be void.

(7) If any person without reasonable cause fails to produce or furnish in accordance with the requirements of an order under sub-rule (2) any document or information which he is required under the order to produce or furnish, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(8) Where it appears to the Central Government that a contract entered into, whether before or after the coming into force of this rule, with a person who at the time of such contract was, or subsequent to such contract became a migrant is injurious to the public interest or was entered into with a view to evading the provisions of this rule, the Central Government may, by order, cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

(9) (a) Where it appears to the Central Government that a transfer of property, movable or immovable, made, whether before or after the coming into force of these rules to or by a person who at the time of such transfer was or subsequent to such transfer became, a migrant is injurious to the public interest or was made with a view to evading the provisions of this rule, the Central Government may, by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part or may impose such conditions on the transferee as it thinks fit.

(b) On the making of an order under the foregoing provisions of this sub-rule, declaring any transfer, subsequent transfer or sub-transfer of any property to be void, that property shall, with effect from the date of the order, be deemed to be re-vested in the original transferor.

(10) (a) No transfer of a negotiable instrument or an actionable claim by or on behalf of a migrant nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

(b) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this sub-rule knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both:

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent Court, not being a Court in India or in a State committing external aggression against India, and would be enforced against him by such an order.

(c) Where a claim in respect of a negotiable instrument or an actionable claim is made against any

person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under this sub-rule, that person may pay into a competent Civil Court any sum which, but for the provisions of this sub-rule, would be due in respect of the claim and thereupon the payment shall, for all purposes, be a good discharge to that person.

(11) The provisions of this rule shall, so far as may be, apply in relation to a migrant firm as they apply in relation to a migrant.

(12) Where in pursuance of an order made under sub-rule (2), read with sub-rule (11), the assets of a company are vested in the custodian no proceeding, civil or criminal, shall be instituted under the Companies Act, 1956 (1 of 1956) against the company or any director, manager or other officer thereof except with the consent in writing of the custodian.

159. Protection of privileges and immunities of diplomatic missions, consular posts and United Nations and its Specialised Agencies.— Nothing contained in these rules shall affect the privileges and immunities of diplomatic missions, consular posts and offices of the United Nations and its Specialised Agencies in India in respect of —

(i) the premises of such missions, posts and offices and the residence of diplomatic agents, consular officers and officials of the United Nations and its Specialised Agencies;

(ii) the inviolability of mail bags and pouches addressed to the aforesaid missions, posts and offices and in general the right of free communication on the part of diplomatic missions and consular posts with their sending Governments, and offices of the United Nations and its Specialised Agencies for all official purposes, including the use of couriers and messages in code or cipher;

(iii) the establishment and operation of two-way wireless transmission facilities where prior permission of the Government of India has been obtained.

160. Power to obtain information.— (1) Without prejudice to any special provisions contained in these Rules, the Central Government or the State Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or an article which that Government considers it necessary or expedient in the interests of the defence of India and civil defence, the efficient conduct of military operations, or the public safety or interest to obtain or examine.

(2) Any officer of Government authorised in this behalf by general or special order of the Central Government may by order require any importer or exporter or any person dealing in, or having charge or control of, imported goods or goods to be exported, to furnish information relating to such goods of their import or export.

(3) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1) or sub-rule (2), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(4) In this rule, —

(a) "import" means bringing into India by sea, land or air.

(b) "export" means taking out of India by sea, land or air.

161. False statement. — If any person —

(i) when required by or under any of these rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which is required by or under any of these Rules to furnish,

he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

162. Power to require production of books, etc. —

(1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

163. Prohibition against disclosing information. —

(1) No person who obtains any information by virtue of these Rules shall, otherwise than in connection with the execution of the provisions of these Rules or of any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

164. Publication, affixation and defacement of notices. — (1) Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order in writing in pursuance of any of these Rules shall, in the case of an order of a general nature or affecting a class of persons, publish notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns and, in the case of an order affecting an individual, carrying on business in a name other than his own, corporation or firm, serve or cause the order to be served in the manner for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), and in the case of an order affecting an individual person serve or cause the order to be served on that person —

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving, an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain,

and thereupon the persons, corporation, firm or individual person concerned shall be deemed to have been duly informed of the order.

(2) If in the course of any judicial proceedings a question arises whether a person was duly informed of an order made in pursuance of these Rules, compliance with sub-rule (1), or where the order was notified, the notification of the order, shall be conclusive proof that he was so informed; but a failure to comply with sub-rule (1) —

(i) shall not preclude proof by other means that he had information of the order,

(ii) shall not affect the validity of the order.

(3) Any police officer, and any other person authorised by Government in this behalf may, for any purpose connected with the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, maintaining supplies and services essential to the life of the community or the administration of these rules affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this rule enter any premises, vehicle or vessel at any time.

(4) Any person authorised by Government in this behalf may, for any purpose mentioned in sub-rule (3), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on or in the premises, vehicle or vessel in such manner as may be specified in the order.

(5) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these Rules, or contravenes any order under sub-rule (4), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

165. Obstructing lawful authorities. — If any person voluntarily obstructs, or offers any resistance to or, impedes or otherwise interferes with —

(a) any member of the Armed Forces of the Union acting in the course of his duty as such, or

(b) any authority, officer or person exercising any powers, or performing any duties, conferred or imposed upon it or him by or in pursuance of these Rules, or otherwise discharging any lawful functions in connection with the defence of India, civil defence and the efficient conduct of military operations, or

(c) any person who is carrying out the orders of any such authority, officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of these Rules,

he shall be punishable with imprisonment for a term which may extend to two years, or fine, or with both.

166. Liability of Government servants to serve anywhere under Government.— (1) The appropriate Government may by order require any person in the service of the Government or in any Corporation owned or controlled by Government (other than persons who, not being citizens of India, are in the service of the Government outside India) to serve in any post under that Government or under any other Government in India and at any place either in India or abroad and every such person shall comply with such order.

(2) If any person contravenes any order made under this rule, he shall be punishable, without prejudice to any action that may be taken against him under any other law for the time being in force, with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) In this rule, "the appropriate Government" means in relation to persons for the time being serving in connection with the affairs of the Union, the Central Government and in relation to persons serving in connection with the affairs of a State, the Government of that State.

167. Power to extend service of persons subject to Air Force Act, 1950.— (1) Where, having regard to the efficient conduct of air force operations or the exigencies of the air force service, the competent authority is of opinion that it is inexpedient to release, discharge or retire from the air force service any person or class of persons, referred to in clause (a) or clause (b) of section 2 of the Air Force Act, 1950 (45 of 1950) who has or have otherwise become entitled to be released, discharged or retired, it may, by general or special order in writing, extend the service of such person or class of persons for such period or periods as it may consider necessary.

(2) Notwithstanding anything contained in the terms of his commission, warrant or enrolment, any person to whom an order under sub-rule (1) applies, shall not be discharged, released or retired, nor shall such person be entitled to claim his discharge, release or retirement, from the air force service during the period specified in the said order;

Provided that if, while a person is being retained in air force service by virtue of an order under sub-rule (1), the competent authority records in writing that his services can be dispensed with, such person shall thereupon become entitled to be discharged, released, retired or transferred to the Reserve, as the case may be:

Provided further that notwithstanding anything contained in this rule, no person shall be compulsorily retained in the air force service by virtue of an order under, sub-rule (1) after the expiry of the period of operation of the Act.

(3) The reserve liability, if any, of a person who has been retained in the air force service beyond his normal term by virtue of an order under sub-rule (1), shall be deemed to have been reduced by the period of such retention.

(4) In this rule, —

(a) "competent authority" means, in respect of officers, the Central Government, and in respect

of airmen, the Chief of the Air Staff or a Principal Staff Officer at the Air Headquarters specified by the Chief of the Air Staff; and

(b) words and expressions used in this rule shall have the meanings assigned to them by or for the purposes of the Air Force Act, 1950 (45 of 1950).

168. Power to impose civil duties on servants.— (1) The Central Government or the State Government may, if it considers it necessary or expedient so to do for securing the defence of India and civil defence, the public safety or the maintenance of public order, or for maintaining, supplies and services essential to the life of the community, by general or special order, require any person or class of persons in the civil service of the Government to perform such civil duties within the station in which such person or persons are for the time being serving as may be specified in the order.

(2) Any person to whom an order made under sub-rule (1) applies shall, notwithstanding that he subsequently ceases to be in the civil service of the Government, continue to perform the duties imposed on him by the order until he is relieved therefrom by competent authority.

(3) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

PART XIX

Supplementary and procedural

169. Attempts, etc., to contravene the Rules.— Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of these Rules or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

170. Offences by companies.— (1) Where an offence against the provisions of these Rules, or of any order made thereunder, has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-rule shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-rule (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this rule, —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", —

(i) in relation to a firm, means a partner in the firm,

(ii) in relation to a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

171. Assisting offenders.— Any person who, knowing or having reasonable cause to believe that any other person has contravened any of the provisions of these Rules or of any order made thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

172. Burden of proof in certain cases.— Where any person is prosecuted for contravening any of these Rules or order made thereunder which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proving that he had such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission, shall be on him.

173. Power to issue search warrants.— (1) If a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of these Rules or an offence prejudicial to the defence of India and civil defence or to the public safety or to the efficient conduct of military operations has been, is being, or is about to be, committed in any place, he may by warrant authorise any police officer above the rank of a constable —

(a) to enter and search the place in the manner specified in the warrant, and

(b) to seize anything found in or on such place which the police officer has reason to believe has been, is being, or is intended to be, used, for the purposes of or in connection with any such contravention or offence as aforesaid, and

the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as they may be applicable, apply to any such search or seizure, as they apply, to any search or seizure made under the authority of a warrant issued under section 98 of the Code.

(2) Any Magistrate before whom anything seized under sub-rule (1) is conveyed shall forthwith report the fact of such seizure to the State Government and, pending the receipt of its orders may detain in custody anything so seized or make such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall be disposed of in such manner as the State Government may direct.

(4) In this rule, and in rule 175, "place" includes a house, building, tent, vehicle and aircraft.

174. Power to search vessels in tidal or territorial waters.— (1) Any officer of the Armed Forces of the Union engaged in the defence of the coast or any person authorised in this behalf by such officer may stop and search any vessel found within tidal waters or the territorial waters adjacent to India and seize anything in such vessel which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the defence of India and civil defence or to the efficient conduct of military operations.

(2) Any officer or person who makes or causes to be made any seizure in pursuance of the provisions of sub-rule (1) shall forthwith report the fact of such seizure to the Central Government and, pending the receipt of the orders of the Central Government may detain in custody anything so seized or make such order for its safe custody as he may think proper.

(3) Anything seized in pursuance of the provisions of sub-rule (1) shall be disposed of in such manner as the Central Government may direct.

(4) Nothing in this rule shall apply to any visit, search, detention or capture made in the exercise of any right under international law, or affect any law relating to Prize or Prize Courts.

175. Further powers of search.— (1) The Central Government or the State Government may by general or special order empower any person to —

(a) stop and search any vessel found in inland water-ways or any vehicle or animal as defined in sub-rule (1) of rule 125,

(b) search any place (including any vessel wherever found) and seize anything found on search under this sub-rule (including a vessel, vehicle or animal) which he has reason to believe has been, is being, or is about to be, used for any purpose prejudicial to the efficient conduct of military operations, to the defence of India and civil defence, or to the public safety or interest.

(2) Any person empowered under sub-rule (1) shall forthwith report to the State Government in detail any seizure made by him and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (1) shall be disposed of in such manner as the State Government may direct.

(4) A person empowered by the Central Government or the State Government under sub-rule (1) may authorise any other person to exercise like powers to his own in the whole or any part of the area in respect of which the Government has empowered him.

176. Entry and inspection of land.— Any member of the Armed Forces of the Union acting in the course of his duty as such, and any person authorised by the Central Government or the State Government to act under this rule, —

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules;

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what

manner, any of those powers are to be exercised in relation to that land;

(c) may, for any purpose connected with the defence of India and civil defence, the public safety, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

177. General powers to arrest without warrant.—Any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing, or of being about to commit, a contravention of rule 14, 20, 28, 32, 66, 71, 74, 107, 110, 111, 123, 125, 154, 163, 164, or 165 or of any order or direction made or given under any of the said rules.

178. Special provision for investigation of certain cases.—Notwithstanding anything contained in section 5A of the Prevention of Corruption Act, 1947 (2 of 1947), any police officer (including an officer belonging to the Delhi Special Police Establishment), not below the rank of an Inspector, shall be competent to investigate any offence specified in that section, if such offence is committed in connection with any alleged contravention of any of these Rules or any order or direction made or given thereunder.

179. Power to arrest escaped prisoners.—(1) Any police officer may arrest without warrant any person whom he reasonably suspects of being an escaped prisoner.

(2) Where any person is arrested under sub-rule (1), the District Superintendent, or in a Presidency-town the Commissioner of Police, shall, in consultation with the officer in charge of the nearest camp for the detention of the prisoners,—

(a) take such steps as may be necessary to establish the identity of the arrested person,

(b) upon his being found to be an escaped prisoner, arrange to hand him over to a military guard for being taken to the said camp, and

(c) pending such arrangement, detain him in such custody as may appear expedient.

(3) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall not apply in relation to any arrest made under sub-rule (1).

180. Proclamation for person absconding.—(1) If upon a report in writing made by a police officer, any Court has reason to believe (whether after taking evidence or not) that any person who has committed an offence punishable under sub-section (1) of section 5 of the Act has absconded or is concealing himself so that he may not be apprehended, such Court may, notwithstanding anything contained in section 87 of the Code of Criminal Procedure, 1898 (5 of 1898), publish a written proclamation requiring him to appear at a specified place and at a specified time not less than fifteen days but not more than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:—

(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; and

(c) a copy thereof shall be affixed to some conspicuous part of the court-house.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this rule have been complied with, and that proclamation was published on such day.

181. Attachment of property of person absconding.—The Court issuing a proclamation under rule 180 may, at any time, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person and thereupon the provisions of section 88 of the Code of Criminal Procedure, 1898 (5 of 1898), shall apply to such attachment as if,—

(i) such attachment were made under that Code, and

(ii) in sub-sections (6A) and (7) of that section, for the words "six months", the words "one month" were substituted.

182. Restoration of attached property.—If within six months from the date of the attachment, any person whose property is or has been under the disposal of the State Government under sub-section (7) of section 88 of the Code of Criminal Procedure, 1898 (5 of 1898), read with rule 181 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached or the Court to which such Court is subordinate and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding apprehensions and that he had not received such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the net proceeds of the sale or, if part only thereof has been sold, the net proceeds of the sale and the residue of the property shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

183. Cognizance of contraventions of the Rules, etc.—(1) No Court or Tribunal shall take cognizance of any alleged contravention of these Rules, or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

(2) Proceedings in respect of a contravention of the provisions of these Rules or of any order made thereunder alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898 (5 of 1898), a contravention of any of the following rules, namely 10, 37, 131 and 139 shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class and a contravention of any order made under rule 69, or under sub-rule (2) of rule 114 shall be triable by a Court of Session,

Presidency Magistrate or a Magistrate of the first or second class.

(4) Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (5 of 1898), may if such Magistrate or Bench of Magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of these Rules or orders made thereunder as the Central Government may by notified order specify in this behalf in accordance with the provisions contained in sections 262 to 265 of the said Code.

184. **Special provision regarding bail.** — Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), no person accused or convicted of a contravention of these Rules or orders made thereunder shall, if in custody, be released on bail or on his own bond unless —

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application and the contravention is of any such provision of these Rules or orders made thereunder as the Central Government or the State Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention.

185. **Powers to give effect to Rules, orders, etc.** — (1) Any authority, officer or person who is empowered by or in pursuance of the Act or any of these Rules to make any order, or to exercise any other power may, in addition to any other action prescribed by or under these Rules, take, or cause to be taken, such steps and use, or cause to be used, such force, including the locking or sealing of any premises until a search or inspection thereof or seizure of any articles or things therein has been completed, as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of these Rules there is no authority, officer or person empowered to take action under sub-rule (1), the Central Government or the State Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of that Government, be reasonably necessary for securing compliance with or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-rule (1) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.

T. C. A. SRINIVASAVARADAN,
Joint Secy. to the Govt. of India.